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Ref: No. RP/FY21-22/062/1006
Dated: 09.02.2022

To,
Shri Anil Kumar Bhardwaj, Advisor (B&CS)
Telecom Regulatory Authority of India,
Mahanagar Door Sanchar Bhawan,
JawaharLal Nehru Marg,
New Delhi – 110 002.

Subject: Response to Consultation Paper on Ease of Doing Business in Telecom and Broadcasting Sector

Dear Sir,

This is in reference to TRAI's Consultation Paper on Ease of Doing Business in Telecom and Broadcasting Sector dated 08.12.2021.

In this regard, please find enclosed our response for your kind consideration.

Thanking You,

Yours' Sincerely,
For Bharti Airtel Limited

Rahul Vatts
Chief Regulatory Officer

Encl: a.a

Consultation Paper on Ease of Doing Business in Telecom and Broadcasting Sector

<u>Executive Summary</u>

Airtel thanks the Authority for initiating this important consultation paper on the "Ease of Doing Business in the Telecom and Broadcasting Sector".

We note that this consultation has been issued to identify various bottlenecks and new process requirements, if any, and suggest measures for the reforms required in the regulatory processes, policies, practices, and procedures in the telecom and broadcasting sectors in creating a conducive business environment India.

We feel that the Telecom and Broadcasting sector needs to move to the next trajectory in terms of ease of doing business wherein interim steps and requirements involved for each process/ Regulation are reviewed, revised and integrated while keeping in mind the interests of various stakeholders involved in the decision-making process.
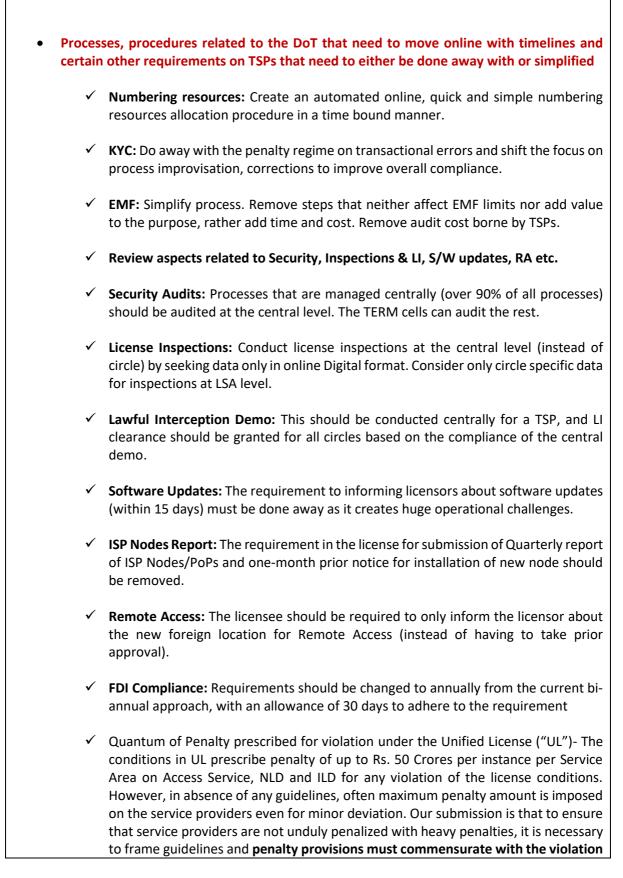
In summary, before we carry on to answer each of your questions in as exhaustive manner, we would like to highlight the following actionable recommendations for the Telecom and Broadcasting sectors:

- **Processes related to Ministry of Information & Broadcasting (MIB) should be fully integrated, made online through a single window clearance system, and should be completed in a time bound manner**

  - ✓ **Digitize DTH** & **Teleports approvals:** A comprehensive digital (online)and time bound process for all approvals/permissions/clearances/reporting across all relevant stakeholder departments and levels such as WPC/NOCC/ MIB/DOS.

  - ✓ Do away with the requirement for seeking prior approval for appointments to key positions.

The requirement of seeking prior approval from MIB for any proposed change in equity & shareholder agreement should be removed.
- **Affirmative action on Illegal Boosters/ Repeaters**

  - ✓ The Mobile operators invest heavily in acquisition of spectrum and network rollout to enhance customer experience however these illegal boosters cause serious interference with the mobile network and degrades customer experience for general public at large.

  - ✓ We therefore request that such illegal installation of boosters/ repeaters should be made a cognizable offence on an immediate basis. Also, targeted action needs to be taken to ensure removal of such existing installations of boosters/ repeaters.

  - ✓ We also recommend that various enforcement Authorities like WPC/ DoT and Police and impacted operators individually or through industry associations like COAI form a special task force and they be empowered to take necessary action for survey/ removal of such installations and such reports be shared/ published on a monthly basis by the DoT and TRAI.

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- **Processes, procedures related to the DoT that need to move online with timelines and certain other requirements on TSPs that need to either be done away with or simplified**

  - ✓ **Numbering resources:** Create an automated online, quick and simple numbering resources allocation procedure in a time bound manner.

  - ✓ **KYC:** Do away with the penalty regime on transactional errors and shift the focus on process improvisation, corrections to improve overall compliance.

  - ✓ **EMF:** Simplify process. Remove steps that neither affect EMF limits nor add value to the purpose, rather add time and cost. Remove audit cost borne by TSPs.

  - ✓ **Review aspects related to Security, Inspections & LI, S/W updates, RA etc.**

  - ✓ **Security Audits:** Processes that are managed centrally (over 90% of all processes) should be audited at the central level. The TERM cells can audit the rest.

  - ✓ **License Inspections:** Conduct license inspections at the central level (instead of circle) by seeking data only in online Digital format. Consider only circle specific data for inspections at LSA level.

  - ✓ **Lawful Interception Demo:** This should be conducted centrally for a TSP, and LI clearance should be granted for all circles based on the compliance of the central demo.

  - ✓ **Software Updates:** The requirement to informing licensors about software updates (within 15 days) must be done away as it creates huge operational challenges.

  - ✓ **ISP Nodes Report:** The requirement in the license for submission of Quarterly report of ISP Nodes/PoPs and one-month prior notice for installation of new node should be removed.

  - ✓ **Remote Access:** The licensee should be required to only inform the licensor about the new foreign location for Remote Access (instead of having to take prior approval).

  - ✓ **FDI Compliance:** Requirements should be changed to annually from the current bi-annual approach, with an allowance of 30 days to adhere to the requirement

  - ✓ Quantum of Penalty prescribed for violation under the Unified License ("UL")- The conditions in UL prescribe penalty of up to Rs. 50 Crores per instance per Service Area on Access Service, NLD and ILD for any violation of the license conditions. However, in absence of any guidelines, often maximum penalty amount is imposed on the service providers even for minor deviation. Our submission is that to ensure that service providers are not unduly penalized with heavy penalties, it is necessary to frame guidelines and **penalty provisions must commensurate with the violation**

> **or shortcoming and graded penalty matrix should be devised in consultation with the Industry.**
>
> - **Review MW Backhaul post license renewal**
>   On renewal of its License, WPC should automatically re-assign the MW backhaul spectrum per UL requirement similar to and in-line with automatic re-assignment of other resources as per clause 8.4 of the Unified License.
>
>   - ✓ **Processes related to CCAs' and LF verification**:
>
>   - ✓ Introduce a centralized mechanism for compliance, verification & assessment.
>
>   - ✓ Move towards a sample-based validation rather than a full 100% transactional audit.
>
>   - ✓ Implement concept of LfDS in-line with the concept of TDS under the IT laws.
>
> - **Submarine Cable and CLS repair and O&M** need to be streamlined and simplified, particularly with regard to shortening the approval timelines from various agencies.
>
> - **Certain reporting and audit procedures related to the TRAI should be reduced, simplified, integrated and made less onerous:**
>
> - Holistically revisit the requirement for nearly 60 periodic reports along various parameters in different formats. Many of these reports can be simplified, integrated.
>
> - Furthermore, reporting equivalent of 207 reports[1] based on replacement costing under Accounting Separation should be done away with.
>
> - Redundant Orders/Directions with respect to tariffs should also be done away with. For example, Direction dated 02.05.2005 & 24.10.2004.
>
> - Regulation on QOS, MNP & Metering & Billing should be rationalized.
>
>   - ✓ The Audit requirements on TSPs need to be aligned with annual financial statements and self-certification processes, thereby reducing time, effort and resource.
>
> - Enablement of Open Sky Policy for DTH business for freedom to DTH operators to directly engage with multiple foreign satellite operators and to directly negotiate the rate of satellite bandwidth with them, rather than through Antrix.

With the above background and submissions, please find below our response to the questions raised in the Consultation Paper.

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[1] Under ASR, a TSP prepares nine Performa for each of 22 LSAs and also one at national level.

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> **Q1.** **Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**
>
> a. **Simple, online and well-defined processes**
> b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
> c. **Precise and well-documented timelines along with the possibility of deemed approval**
> d. **Well-defined and time bound query system in place**
> e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
> f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**
>
> **Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.**

Airtel Response:

It is our submission that the present system of seeking licenses/permissions/approvals, in present digital age, is very ponderous and time-consuming, often leading to delayed approvals. What is more, there seems to be a heavy reliance on a manual /physical approach for almost each and every approval process. This, too, takes time and makes the approval process less efficient.

Therefore, considering the points *a to f* raised under this question, **we suggest adopting the following measures to make the procedures and processes of the MIB more efficient and streamlined**:

- Though the Ministry has taken steps such as introducing **"The Broadcast Seva" portal**, the same has not been made operational for the DTH sector and thus its implementation is awaited eagerly by the sector. We recommend this be **fast tracked immediately**.
- The **entire process at each level should be time bound with clearly specified time frame** and such timelines and status of the application should be available online with a tentative date of expected approval.
- All applications and **final approvals should be completely online** and downloadable.
- Application should be made available in a simple prescribed format and attached documents in check list format for grant of permission of licenses.
- The specific stages of 'Status of Application' should be available at all times on the online portal. This would help bring transparency to the process.
- The attachment size should be made flexible. In the past, we have been unable to submit applications because of the rigidity of the attachment size.
- **No physical submission of documents** should be required in the approval process including approval process moving from any one department to another department.
- Auto mail intimation to applicant as well as all concerned departments should be in place for any approvals, rejection, resolution, etc. of application and/ query.

- The digital signature should be endorsed and accepted by the Portal.
- The issuance of license and approvals should be time bound.

To introduce a truly effective and meaningful online "single window" process wherein all relevant documents and fees can be uploaded, and the permission be issued online in a time-bound manner, would make the process truly effective.

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

Airtel Response:

In the following sections, we highlight some of the routine tasks that TSPs have to adhere to as part of operational requirements. We believe these aspects have considerable impact on both the time spent and cost incurred by TSPs and that there is scope to make the process more effective at each step.

A. Numbering resources allocation:

We support the introduction of an online, automated allocation of numbering resources (Fixed-Line, Mobile, M2M) using the number management system software to speed up the process of allocation, making it both efficient and transparent.

We agree with TRAI that the allocation process should be automated and handled by DoT. At present, there are no timelines and in certain instances the administrative approvals for allocation of number resources takes a considerable amount of time. A time-bound process for allocation of numbering resources should be framed.

B.   Security Audits conducted by TERM Cells:

Currently, the **TERM cell of each LSA conducts annual security audits to check the compliance** of the licensee with Security Conditions as prescribed in the license. Each circle level audit covers the complete list of security conditions, irrespective of whether a particular compliance is managed by a licensee at central or circle level.

TSPs now have centralized most of their operations including network and security management (e.g. using Central Network Operations Centers or NOCs). This has helped TSPs achieve operational efficiency and effectiveness by optimizing resources and rapidly adopting best practices across India.

DoT too has recognized the centralization (in operations of TSPs) in its license amendment and allowed access service licensees to install networks and switch anywhere within India.

However, the benefits of this centralization and efficiency in terms of operations of TSPs do not reflect in the way audits are carried out. The TERM cells still conduct security audits at circle/LSA level (for each and every compliance) despite the fact that **over 90% of the processes audited in the circle are being managed at central level.** As a result, the same central teams of operators are required to be present in the security audits conducted by each TERM Cell to explain the same artefacts.

This results in a huge wastage of resources both at DoT and TSP level.

Recommendation:

The security processes that are managed centrally (i.e., over 90% of the total processes) should be audited at a central level while the TERM cells can audit the rest, such as physical assets at the circle level. This will ensure security audit related compliances by DoT, while doing away with the duplication of effort at the DoT and TSP end.

C.   Annual License Inspection:

Each TERM cell conducts an annual inspection of the various licenses (Access, ISP, NLD/ILD) at circle level. The objective of these annual inspections is to assess the compliance of the licensee on the basis of filled inspection forms and data provided. In effect, DoT and TSPs have to provide the same information to all TERM cells for their respective license inspections twice over.

Moreover, similar to security audits, most of the data/information sought during the inspections can be provided by the central offices of TSPs (common for all the circles) and in a digital form.

Recommendation:

Similar to security audits, the license inspections (Access, ISP, NLD/ILD etc.) should be conducted at central level as most of the processes are being managed by TSPs at the central level.

Only circle specific data to be considered for inspections at LSA level to make the process effective and efficient for both TSPs and DoT. This would be a major step towards easing the compliance requirement without compromising the scope of such inspections.

We also suggest that data should be required to be provided only in online mode for these inspections.

D. Software Updates:

As per the clause 39.9 in the Unified License, all the major software updates conducted in the network have to be informed, within 15 days, to the licensor:

39.9 (iv) Keep a record of all the software updating and changes. The major updating and changes should also be informed to Licensor within 15 days of completion of such updating and changes.

The above condition in the UL creates huge challenges operationally for the TSPs, since they have to regularly update software to optimize the functioning of various network elements like RAN, Core, MSC/IMS, IN. It is notable that this license does not require the licensee to inform the licensor about the installation of a new network node. In other word, all this license clause achieves is to place an onerous and unnecessary requirement on the licensee by mandating that every major software change taking place in the network node be relayed to the licensor.

Recommendation:

The licensing conditions already put the onus of ensuring security of the networks on the TSPs and hence it is their responsibility to ensure that any updates on the existing software doesn't impact the functionality of the elements in the existing live network. Therefore, we believe that **the requirement of informing the licensor about software updates be done away with.**

E. Requirement of LI testing

In terms of condition 7 in the license, a licensee has to conduct demonstration for Lawful Interception facility in each LSA to obtain clearance from the licensor:

"7. Provision of Service:
…… Any service permitted under scope of License Agreement, shall be commenced by the Licensee after giving an intimation to do so to the Licensor. However, the compliance to the scope of the License and requisite monitoring facilities will be demonstrated to the licensor within 90 days from the date of receipt of such intimation from the Licensee."

As you may be aware, today, all the TSPs have Pan-India services and the same systems/functions are installed across all the circles. But the demonstration of Lawful Interception in every circle creates duplicity in the efforts of Security Agencies, DoT and TSPs.

Recommendation:

LI demonstration should be conducted centrally for a TSP rather than circle-wise. Additionally, the compliance of the system should be based on the LI requirement (as demonstrated in the central demo) with the LI clearance being issued for all circles.

F. Requirement of intimating location of ISP Nodes:

As per the condition prescribed in the ISP License, licensees are required to report the location details of ISP nodes or Point of Presence on a quarterly basis to the licensor and in case new nodes are to be installed, one-month prior notice has to be given to the licensor.

"6.1 The licensee shall provide to the licensor, a quarterly report indicating the details of ISP Nodes or Points of Presence with their locations and number of broadband / leased / dial up subscribers. In case new nodes are to be installed, one-month prior notice is required to be given to the licensor."

In recent years, there has been a huge rise in internet traffic due to the consumption of video content and a growing user base. To meet the growing demand, the licensees are required to constantly upgrade their networks by adding new nodes.

Hence, it has become practically impossible to give a one-month notice to the licensor prior to the installation of any node. Moreover, due to the ever-expanding ISP networks, the clause to report internet nodes/Points of Presence on a quarterly basis has also become impractical to comply with. It is notable that no such requirement is present in Access Service or other licenses w.r.t. prior notice for installation of node or to give a quarterly report of the nodes.

Recommendation:

The requirement in the ISP license to submit quarterly reports of ISP Nodes/PoPs and monthly advance notices for the installation of new nodes should be removed due to the impracticality of meeting this requirement considering the current pace of growth of networks. **We recommend that the requirement of updating the licensor about the ISP nodes be fulfilled through the annual license inspection.**

G. Remote Access Permissions:

As per below license clause, licensees are required to take prior permission from DoT before giving remote access of their network to locations outside India.

" 39.23 (xi) The Remote Access (RA) to network would be provided only to approved locations abroad through approved location(s) in India. The approval for location(s) would be given by the Licensor (DoT) after satisfying itself about the appropriateness"

However, the need for remote access (to locations outside India) arises only in distress situations wherein emergency support is required from experts to troubleshoot network faults which are beyond the expertise of the local personnel.

In this regard, major OEMs today have established their offices in multiple countries located in different time zones. Also, these OEMs keep adding/shifting their offices as per their business plans and various other dynamic factors which have emerged post-pandemic.

Recommendation:

Considering the above dynamic factors, licensees should only be required to inform the licensor about a new foreign location for Remote Access (instead of taking prior approval). We believe that it will still meet the security requirements as TSPs will be storing the complete access logs of remote access activity. **In order to address any concern of RA in any hostile country, the licensor can share an annual updated list of whitelisted countries / locations with TSPs confidentially.**

H. **FDI compliances:**

As per Clause 1.2 of the Unified License

 "The Licensee shall declare the Indian & Foreign equity structure (both direct and in-direct) in the Licensee company and submit a compliance report regarding compliance of FDI norms and security conditions on 1st day of January and 1st day of July of every year to the Licensor in Proforma as may be prescribed from time to time. This is to be certified by Company Secretary or Statutory Auditor, countersigned by duly authorized Director of the Licensee Company."

TSPs submit this compliance on a bi-annual basis. This requires submission of shareholding pattern and paid up capital information along with compliances for various security conditions for each license holding.

Considering even listed companies take a significant amount of time to prepare such shareholding certificates and paid up capital certifications, TSPs, should be given adequate time (minimum 30 working days) to submit these compliances and should have to do so only once a year. Furthermore, they should be able to make these submissions online so as to ease the whole process.

Recommendation:

In view of the liberalization of FDI norms in the sector, we submit that the requirement of submitting FDI compliance should be changed to an annual basis to reduce the compliance burden on TSPs.

I. **Time-Bound approach on MW allocations**

As per Clause 8.4 of the **Unified License Guidelines**,

"…the resources, coverage test certificates issued to existing licenses as a part of compliances to rollout obligations, extant permissions for deployments of foreign nationals and the service authorizations already granted to existing licenses whose licenses have expired or expiring in future, except the spectrum won in auctions, will be re-assigned/revalidated to the respective authorisations under new unified license for that service areas unless any specific situations requires a review. This shall be subject to realization of charges/fees for each resource as applicable in conformity with the extant guidelines/ instructions"

"Resources shall mean MCC, MNC, Access codes, SPC, LRN, Telemarketers numbers and frequency of microwave backhaul, VSAT clearances from NOCC, Frequencies for satellite-based service, SACFA clearances and other administratively assigned frequencies."

While at the time of renewal of the telecom license, the above resources are automatically transferred/re-assigned to the new License, upon expiry of their existing license, in order to maintain business continuity, a similar approach is not followed/adhered to for the microwave backhaul allocations*.* For revalidation of MWA carriers, TSPs have to approach the WPC again and revalidate their MW carriers. Such requests remain pending with the WPC for many months.

Meanwhile, RLOs have indicated to TSPs that a **reassignment/revalidation of microwave carriers from WPC is required for the import** of MW equipment and until that is obtained **the import license** for the

microwave radios will remain temporarily on hold. This not only causes distress in terms of **arranging replacements for faulty equipment in the TSPs' existing network, it also severely affects the network expansion in various circles.**

This requirement exists despite the fact that the revalidation/reassignment of MWA carriers is merely an administrative exercise once the TSPs have fulfilled the requisite compliance.

Recommendation:

Upon renewal of a license, WPC should automatically re-assign the MW backhaul spectrum as per the Unified License requirement in line with the automatic re-assignment of other resources.

J.   Penalty Clauses:

The conditions in Unified License prescribe that a penalty of up to Rs. 50 Crores per instance per Service Area can be levied on Access Service, NLD and ILD for any violation of the licensing conditions. However, in absence of any guidelines, often maximum penalty amount is imposed on the service providers even for minor shortcomings. This practice of imposing maximum penalty amount even for minor shortcomings adversely impacts the investor confidence in the business. Therefore, to ensure that service providers are not unduly penalized with heavy penalties, it is necessary to frame guidelines for deciding the quantum of penalty.

It is notable that TRAI had earlier also taken up this issue in its previous Recommendations on "**Ease of Doing Telecom Business" dated 30th November, 2017** and inter-alia recommended that:

> *"DoT should devise a suitable matrix, linking the penalty to the severity of the incident and recurrence of the violation for imposition of financial penalties"*

However, no such framework/matrix has been enacted till now. Further, the quantum of penalty as prescribed in the license is Rs. 50 Crores per instance per service area (for Access Service, NLD and ILD) which translates into a potential penalty amount of Rs. 1100 Crores for a Pan India Access Service provider. This is even in case of same instance of non-compliance across the service areas (which is quite possible for Pan India operators as they have centralized operations and infrastructure)

The penalty amount of Rs. 50 Crores is excessively high considering the fact there may be inadvertent shortcoming on part of licensee which necessarily does not warrant imposition of such high penalty amount on first instance of shortcoming. In its Recommendations dated **2nd January, 2013, on "Terms and Conditions of Unified License (Access Services)"**, TRAI had capped the maximum penalty amount to Rs. 10 Crores (4th Offence) and prescribed the following matrix:

No. of times	Minor violation (Rs.)	Major violation (Rs.)
1st	1 lakh	50 lakh
2nd	5 lakh	2.5 crore
3rd	25 lakh	5 crore
4th	25 lakh	10 crore
Subsequent violations	25lakh	Liable for cancellation of license

Further, in case of Access Service providers, the penalty for an instance of non-compliance across the service areas should be levied for a single service area only as all the mobile service providers have Pan-

India operations wherein they have centralized most of their operations including network infrastructure. Therefore, we believe it is incorrect to levy penalty in multiple service areas for effectively a single instance of non-compliance as it is equivalent to penalizing 22 times for a single shortcoming.

Recommendation(s):
- **The penalty provisions must commensurate with the violation or shortcoming and graded penalty matrix should be devised in consultation with the Industry.**
- **In case of Access Service providers, penalty for a non-compliance (common across service areas) should be levied in only one service area.**

Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.

AND

Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?

Airtel Response

Currently, Registration for IP-I is to be applied offline despite the fact DoT has progressively migrated the applications for other licenses to online mode through Saral Sanchar portal. Therefore, t**he Registration of IP-1 companies should also be made online by DoT** through a simple interface/process as done for other licenses.

Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:
a. What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?
b. What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?

Airtel Response:

Repair and maintenance of submarine cables is a highly sophisticated job and requires technical expertise. Special cable repair equipment fitted vessels are required for undertaking such repairs.

However, such resources are currently not available in India. As a result, the Indian operators managing the submarine cable networks are dependent on foreign entities (foreign cable repair & maintenance ships) for undertaking such activities. As both ship/ vessel and its crew are from outside the country, the Service Providers and Cable maintenance agencies are required to procure multiple permits prior to carrying out repair and maintenance work on the submarine cables within the Indian maritime zones.

The problem with the existing process of obtaining these permits is that permissions have to be sought from multiple authorities which consumes substantial amounts of time (some times as much as 3 to 6 months) and effort. Moreover, the processes are such that there are no fixed timelines for getting these approvals. This adds to the lead time for undertaking repairs on the submarine cables and is often detrimental to the Internet/IPLC traffic restoration.

In most South East Asian countries, permits are obtained within 1 - 3 weeks' time and the same should be the case in India.

In order to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults, we recommend the following:

1. **A single window clearance should be instituted for applying for permits.** This will significantly reduce the turnaround times and ease out the overall effort that TSPs and O&M agencies have to put in to procure these permissions. To the extent possible, the application for all these clearances should be made "on-line" with pre-defined timelines so that the permits are issued in a time-bound manner.

2. Since cable maintenance agencies need to be continually engaged for the upkeep of undersea cables/cable networks and restoration of faults, **a mechanism should be created whereby the maintenance agency is given the permit for a longer duration with auto-renewal facility.** The TSP/ agency should only be required to notify and seek approvals for any changes occurred thereafter, on an on-going basis.

3. For a typical cable repair job there are a total of 11 permits/ approval required. It is important to **consider pre-approval for a few of these permits so that the Telecom service provider can get only essential approvals/permits at the time of repair**. This will help in minimizing the time taken in restoring any fault on the cable, and reduce the impact on telecom services.

4. **Other than Naval clearance/ Customs/ONGC clearance at the port, all other permits should be made "pre-permit"** and operators should be allowed to obtain them well in advance for longer durations. Naval and Customs clearance typically takes a week to complete. Therefore, in order to save time, the ONGC clearance being an operational clearance could also be obtained in parallel. At present, it happens only once the Naval and Customs clearance has been completed. Additionally, **ONGC should be advised to give clearance within a week of the date of application.**

5. An **SPL (Specified Period License) has to be obtained from DG shipping.** However, presently there are no Indian flagged vessels available. Therefore, **we suggest waiving the requirement** for this permit until such time as we have an Indian flag vessel available for this work.

6. In addition, there is a big concern related to high cable cut incidents due to fishing activity in the Indian territorial waters. Almost all the cuts in the EEZ zone happen due to such activities. Presently we don't have any coordination with the Fishery department / communities and thus recommend:

   - Guidelines are issued so that a channel for information sharing is established between operators and fishing entities, where-in they are informed about submarine cable routes.
   - **Cable routes are demarked as no fishing zones** and RPLs (Route Position Locator – Coordinates details) can be shared by TSPS for this purpose.

- Accountability to be fixed in case damage is caused to cables due to the negligence of some entity as the cost and effort for restoration are considerable,

7. International traffic being carried by these cables gets impacted if we have delays in operation & maintenance. The tools and machinery including the vessel for a "sub-marine cable installation and repairs" are of a specific configuration, an exemption in custom formalities is required, more so, because the import and export being a very complex procedure and time consuming.

8. The vessel being very specific and distinctive will always move out of Indian waters once the repair /installation is completed. Therefore, the Indian Customs should waive the requirement of importation of vessel and the customs duty, if any, should only be applicable on the consumed items used for repairs in the Indian waters.

9. **Vessel conversion (from International run to costal run) should not be required** and this requirement should be exempted as the vessel's stay in Indian territorial waters is limited.

10. **Applicability of GST also needs clear exemption**, as no such value added taxes are being imposed in any other country in its territorial/EEZ waters.

11. **The Indian Customs Department should not extend the Indian territorial water limits from 12 nautical miles to 200.** Almost 100% of all cable repairs occur within 150 Kms of the shore end in the EEZ waters. Across the globe, customs are not applicable in EEZ waters. An extension of Indian territorial water limits from 12 nautical miles to 200 nautical miles by the Indian Customs department will therefore be detrimental for all cable repairs.

Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:
   a. **In-transit permits**
   b. **Pre-repair permits**
   c. **Post-repair permits**
Provide your suggestions for each activity separately.

Airtel Response:

a. In-transit permits

Since the vessel in question has come into Indian waters for a specific purpose and period, it will leave as soon as its task is completed. It therefore would make sense to **consider the vessel engaged in cable repair operation as a vessel "In-Transit" so that permit requirements can be kept to a minimum**.

b. Pre-repair permits

As per the present arrangement, online applications for seeking MoD and MHA permissions are routed through DoT. However, timelines for issuing such permissions haven't been prescribed and operators have no fair estimate as to when such approvals are forthcoming.

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The time taken in providing the clearances needs to be aligned with the needs of the industry as the repairs are required to be attended to in the shortest possible time and through a process that also supports quick approvals in case of emergencies.

The entire process should be streamlined and the timelines defined for each stakeholder, so that the applications are processed at their end in a time bound manner. The online portal could also be refined and be made more user friendly, introducing some enabling features that help in reducing the efforts that presently go into submitting these applications. **Some suggestions for simplification:**

- This being a routine and on-going event, where each operator has to submit applications periodically, it would speed matters up if **timelines & procedures are shortened and well defined** so that applications were cleared as quickly and efficiently as possible.

- **MHA and MoD clearances should be issued as pre-permits for at least 1 year with an auto-renewal facility.** The TSP should only be required to notify and seek approvals for changes that may have occurred thereafter, on an on-going basis.

- Though the MoD & MHA application process has moved online since the past year, the portal doesn't support bulk uploading. This makes the entire process time consuming and cumbersome. MHA applications, for instance, require multiple details of each crew member (up to 350 members) to be manually filled in the online forms along with uploading the documents necessary. This entire exercise could be simplified by way of providing a feature on the MHA portal, especially for the TSPs (as the number of applications are quite high), that supports bulk uploading instead of having manual entries.

- Similarly, for the MoD portal, a feature is required which supports bulk uploading of Ship and other details/ documents that are required as per the online form. This will help immensely in simplifying the entire application process and do away with the requirement of manual entries.

- At the time of submitting applications for renewal, service providers are required to fill in the details all over again for each crew member and the Ships on the respective portals. There is no feature which supports seeking renewals for the already existing permits, where the details could be pre-fetched based on the already available data. This feature could be very useful and will significantly reduce time and efforts while also simplifying the entire renewal process.

c. Post-repair permits

Any operator engaged in the repair of their submarine cable has to take an NOC from the ONGC due to the perceived threat of damage to their installations. Post repair, ONGC should give the clearance within a fixed timeframe. At present, the entire process is open-ended and no timelines are fixed.

A process may also be defined where the Operator could report the completion of the work to the Naval and Customs departments for their records.

> **Q7.** Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:
>   a. Relevance of EMF radiation audit and its impact for quick roll out of the network
>   b. Measures to safeguard public interest and building confidence in public against

> propaganda of hazardous EMF radiations in field
> c. Issues being faced in the existing processes related to the self- certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.

Airtel Response:

The objective of EMF radiation norms is to ensure that public health is not affected by the radiations emanating out of Base Stations.

Based on the recommendations of the Inter-Ministerial Committee (IMC), the norms for exposure limit for the Radio Frequency Field (Base Station Emissions) have been made even more stringent and reduced to 1/10th of the limits prescribed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

DoT and the TSPs in partnership have created the National EMF Portal (NEP) where all the relevant details of the site including radiation are updated by the TSPs. This updation process, however, is extremely complex and has a lot of elements which have no correlation to the objective. A few examples are given below:

- For every site, TSPs are expected to update panoramic photos, site layouts, North Direction markings, photos of signages, location of towers and generators. These requirements have no relevance to the EMF radiation norms.

- While NEP ensures that radiation norms cannot be breached even at a multi-tenancy site, if even one TSP upgrades the site, all the other TSPs, even those not modifying anything, are mandated to submit self-certificates in addition to the upgrading TSP.

- Although to the best of our knowledge, there has been no violation or radiation breach, penalties for non-compliance on missed north marking, panoramic photo unavailability / repeat, continue to be issued, even though these are purely procedural issues.

In view of the above, DoT should review the entire process of the present system of EMF radiation compliance and consider the following modifications:

- **Self-certification requirements should be done away** with, given that all required information is available on the Tarang Sanchar portal.
- **Audits should be conducted by the DoT LSA units without burdening TSPs with testing fees** because the LSA units require manpower/expertise, equipment for testing, etc. Still, if required, TSP shall aid with access to site/technical support.
- **At present, up to 10% of BTS in an LSA are prescribed for audit, this percentage should be reduced to <3%, with flexibility to audit to audit more in case of concern/ complaints etc.**
- **All mandates to update panoramic photos, site layouts, North Direction markings, locations of towers & generators on the site should be removed**.
- DoT LSA units should restrict Audit to identify issues on radiation beyond prescribed benchmark. Any other procedural error such as erroneous entry in date etc. should be informed to TSP for resolution / correction within reasonable time.

- **Penalties should not be levied on technical grounds but only for cases that exceed prescribed thresholds (for EMF).** There are various technical parameters which do not affect the EMF limits. No penalty should be levied on such parameters as correction of these is an administrative effort and, as stated, they in no way affect EMF limits.

> **8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.**

Airtel Response:

The TSPs are already at forefront of technology innovation to serve the customers with latest technologies and services. Since the DoT and TSPs are already members of international bodies such as ITU, GSMA among others, the technological innovation and collaboration are already in place.

Simplified processes and steps should be clearly mapped on an online dashboard that should be made available on the DoT website for all investors anywhere in the world, should they choose to take a look and make an informed decision to invest in India, including in the region(s).
The website and its sections should be simple to navigate, to gather necessary information from and to apply for any service / license/ authorization including the major obligations categories, if any.

Key technical and financial indicators of the telecom industry, duly analyzed, should be regularly put-up on the DoT website.

> **Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**
>   a. **Simple, online and well-defined processes**
>   b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
>   c. **Precise and well-documented timelines along with the possibility of deemed approval**
>   d. **Well-defined and time bound query system in place**
>   e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
>   f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate**
>
> **Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.**

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Airtel Response:

<u>Saral Sanchar:</u>

A simplified online process through the Saral Sanchar Portal has been made effective recently. We believe that a few other enhancements are also under correction at WPC. Nevertheless, **the following key areas may still be reviewed holistically and accordingly improvised:**

a. **Despite the simplification, as many as ~ 40% of the sites have to undergo SACFA approval, yet there is no timeframe defined for the approvals of such sites**. Based on previous experience, so long as there is no stated minimum period, sites could remain pending approval for years together. We have shared a list of such sites numerous times with DoT but to no avail and the sites on the list have been pending approval for the past year. Other than regular sites, no consideration is given to sites required for MRO and USOF**. This needs to be rectified or the associated penalties/ LD charges should not be levied on TSPs.**

b. **At present, operators apply for separate SACFA clearance on an existing tower at the same location on the basis of access frequencies** allocated in different frequency bands as well as technology chosen by operators to provide wireless services. **We propose that for a given site location, SACFA should be required to be obtained only once,** since the frequency allocation is in any case provided by WPC. If required if new frequency is added, the same can be intimated as self-certification to WPC.

c. Our understanding was that the SACFA clearance was introduced under the additional antenna category to bridge the gap between frequency assignments and the grant of a Wireless Operating License (WOL). DoT vide Unified License Amendment dated 02.11.2016 has done away with the requirement to obtain WOL against the Access frequencies assigned to TSPs under the Unified License with an authorization of Access services. **After amending the licensing condition regarding WOL as above, the requirement for the SACFA re-application for an already-cleared site under the additional antenna category by TSPs for Access Frequency bands does not hold merit and needs to be relooked at on an immediate basis.**

d. With the proliferation of data services, the requirement of data connectivity demand has increased tremendously. To cope with the growing requirements, telecom service providers are deploying state-of-the-art network using low power micro cell/small cell sites (LPBTs) for providing ubiquitous coverage to those of their subscribers who are using access frequencies assigned to them. These LPBTs operate in licensed access frequency bands and are primarily deployed in existing establishments like residences, institutions, electricity poles, flyovers, foot over bridges, street light poles, advertisement hoardings, etc. with a restricted height for network coverage requirements. LPBTs, i.e., micro cell / small cell deployments seem to cause neither aviation hazards nor interference.

Further, as these micro cell/small cell sites are being deployed in a significant quantum and at various location categories, the SACFA applications and clearances for such sites will be complicated and cumbersome for both service providers and the WPC. This will also hinder the faster rollout of micro cells/small cells which are required for deeper penetration of network, reduction in call drop and improvement in Quality of Services. This needs to be looked into as soon as possible. DoT has also exempted LPBTs, i.e., small cells from EMF testing compliances vide their letter number 800-

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15/2010-VAS dated 31st March 2016 regarding SAC for EMF Compliance of Low Power Base Transceiver Stations.

In view of the above, we request the DoT to make the following changes:

1. **Timelines for according approval should be defined for sites requiring clearance.**

   o Sites undergoing approval should be approved in a maximum of 45 days and all queries should be raised within the first 15 days of application. Similarly, if a query is raised it should be responded to within 15 days and the response approved within the next 15-30 days.
   o If the site is not approved by the appropriate ministry within the prescribed time limit, the portal shall provide a provisional certificate.
   o Before any rejection, appropriate concerns shall be shared for resolution and in case resolved, approval shall be given. In case the concern cannot be resolved, the site may be rejected and necessary instructions passed on for removal of the site.

2. **Only one SACFA clearance for a site/tower for multi band / multi technology deployment by a TSP for providing wireless services should be required.**

3. **LPBTs should be made exempt from such requirements.**

Teleports:

From the perspective of Teleports, for the permissions granted by WPC, we request that the following suggestions be considered and incorporated into the existing processes of permissions:

1. **Review and update Channel de-boarding process:**

   i. All the TV channels are being uplinked from the teleports only post procuring the MIB permission and endorsement of the channel by the WPC wing of DoT on Operating licenses for respective teleport hubs.
   ii. In order to use the teleport bandwidth for up-linking a channel, the channel owner needs to pay certain charges to the Teleport as per mutually agreed terms and conditions. There are some instances in the recent past, where channel owners have defaulted in the payment and kept on utilizing the teleport bandwidth without paying for the same.

   iii. As per the office memorandum dated 1st August 2012 issued by WPC, a permission letter from MIB and request from TV channel owner for deletion of the TV channel is a must for de-endorsement of the particular TV channel from the teleport license by WPC. In the aforesaid cases, the TV channels intentionally refused to issue any such request letter, thereby ensuring that they remained endorsed on the teleport operating license and continued to utilize the bandwidth. In such cases, the WPC also refuses to endorse any new or additional channels on the teleport license as the same does not have the required bandwidth to accommodate the same.

iv.   All Teleport operators have been allocated a limited bandwidth by WPC on the teleport hub and can accommodate only a limited number of TV channels. The TV channels defaulting in terms of payments is causing a financial loss to the Teleport operator as no revenue is being received from these channels. Further, these channels also occupy a significant amount of bandwidth which is restricting the inclusion of new additional channels on account of bandwidth constraints which add to the financial losses. These financial losses severely impact the techno-commercial decisions and processes related to the teleport business.

v.   **Considering the above, it is proposed that teleport operators should be allowed to discontinue TV channels which do not make the necessary payments even after serving notices from up-linking.** In such cases, no consent from the TV channel operator should be required for the aforesaid discontinuation. Teleport operators should also be allowed to allocate the bandwidth of the discontinued channels to new/additional channels to meet their business requirements.

2.   **Dispense with requirement for obtaining permission for a standby Antenna in Teleport Hub:**

i.   As a part of our business continuity, we need to have a standby antenna to mitigate the risk of main antenna system failure. As per WPC, a Teleport Operator is required to obtain an additional permission / approval for setting up a standby antenna to support the main antenna of the existing Teleport Hub.

3.   **Remove requirement for prior permission before effecting change in CEO/BoD:**

i.   As per Clause 5.10 of the Uplinking Guidelines, it is obligatory on the part of the company to take prior permission from the Ministry of Information & Broadcasting before effecting any change in the CEO / Board of Directors.

ii.   It is submitted that the position of CEO / Board of Directors is a very senior and dynamic position and the requirement of obtaining prior permission from MIB before making any such change forces the company to be non-compliant with the license conditions as it takes substantial time to find suitable replacements at this level. **Thus, the requirement of prior permission from MIB before effecting any change in the CEO / Board of Directors of the company should be relaxed.**

iii.   Such a requirement also does not exist in the case of other Telecom Licenses and this clause of Uplinking Guidelines for Teleport services should be kept at par with other telecom licenses.

4.   Teleport License to be made available Online- Make available status of application online with tentative date of expected approval. **The Teleport Operating license with updated endorsed channels should also be made available online.**

5. Permissions for TV Channels to be made available online- For each TV Channel Endorsement/De-endorsement permission should be available online for download.

6. **The WPC permission issued to teleports should be valid for 10 years**. In case WPC permissions have been issued for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC permission. The WPC should merely expect to be informed with respect to such additional channels.

7. It is suggested that the validity of the permission/approval issued by DoS for use of satellite and transponder be same as the uplink and downlink permission for TV channel issued by MIB. The Uplink Downlink permission issued by MIB is valid for a period of 10 years whereas the validity of the DoS permission/approval is valid for 3 years.

8. No DOS permission should be required for individual channels for the foreign satellites which are already permitted & coordinated with ISRO.

    Currently minimum BW for endorsement of SD channel is 1.5Mbps & for HD channel is 5Mbps which needs to be revised for better bandwidth utilization. We recommend not to have any minimum bandwidth requirement for endorsement of TV channels on Teleport Operating License and let the system decide the bandwidth allocation. Considering the latest technological developments which includes very effective statistical multiplexing, bandwidth allocation is done dynamically based the need of the content. The fast-moving contents are dynamically allocated more bandwidth while static content is allocated less bandwidth. The dynamic allocation of bandwidth based the content requirement will help in optimizing the available bandwidth in better way and result in adding more channels in available capacity.

9. Status of all queries should be available online with a tentative date of closure.

10. A single window system that is integrated with all other required departments like MIB, WPC & NOCC, etc. should be instituted.

11. Any channel permission cancellation by MIB should directly flow to WPC and the channel should get de-endorsed automatically instead of the Teleport Operator having to apply separately for the de-endorsement.

12. Auto mail intimation to applicant as well as all concerned departments should be put in place for all approvals, rejections, resolutions, etc. of applications and queries.

Q10. **Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point**

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> of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:
> a. Simple, online and well-defined processes
> b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
> c. Precise and well-documented timelines along with the possibility of deemed approval
> d. Well-defined and time bound query system in place
> e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
> f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval
>
> Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Airtel Response:

The Network Operations Control Centre (NOCC) performs various functions such as MPVT tests for all the antennas, providing approval for carrier plans for uplinking permissions, etc. For the purpose of getting these approvals from the NOCC, an operator has to follow a detailed step process. These processes are all conducted physically. Most of these permissions are linked to the permissions of WPC as well.

Introduction of new technologies and digitalization of the uplink process has allowed multiple channels to be carried on a single frequency. Consequently, **if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permission requirement**. The WPC and the NOCC should merely expect to be informed of developments when it comes to such additional channels.

Furthermore, the WPC is already actively engaged in the monitoring of such channels. In fact, delayed and independent permissions from WPC and NOCC could lead to lapses of validity, periods of "operationalization" as well as forfeiture of the performance bank guarantees (hereinafter "PBG"), resulting in a heavy loss to the business in terms of rollout obligation.

We therefore request that clearances given by WPC, NOCC and MIB should be streamlined in order to facilitate ease of doing business. It is also suggested that an online portal be created for NOCC permissions and the same be integrated with the "single window clearance system" so as to enable ease of doing business.

The task of approvals often gets delayed due to physical submissions and this situation has been still further exacerbated during the ongoing pandemic. There are also challenges involved in getting the status update of applications at the NOCC due to the already pending applications.

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To address such challenges, we suggest the following (in terms of points *a to f* of current question):

1. **Simple, online and well-defined processes:** An online process should be put in place for a carrier plan approval & MPVT. In case NOCC permissions have been issued for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh NOCC permission. NOCC should merely expect to be informed of such additional channels

2. **Simple application format that is culled of all archaic fields, information and requirements for online submission of documents if any:** An online link budget tool should be part of the application process. Precise and well-documented timelines along with the possibility of deemed approval status of the application should be available online with the date of expected approval.

3. **Well-defined and time bound query system**: Along with this system, the status of the query should also be made available online with a tentative date of closure.

4. **Seamless integration and approvals across various ministries/ departments with an end-to-end online system**: Currently, Teleports are required to get approval from NOCC to up-link individual channels on the approved carriers post WPC endorsement. This delays service activation by 5 to 7 days. The NOCC approval should only be required for the complete carrier and not for adding individual channels to that carrier.

5. **Procedure, timelines and online system of notice/appeal for rejection / cancellation of license/ clearance/ certificate:** Auto mail intimation to applicant as well as all concerned departments should be in place for any approvals, rejection, resolutions, etc. of applications and queries.

6. **The NOCC should make available the multiple LOGIN feature for stake holders of a single entity.** This proves particularly useful in the event of a stakeholder of a particular entity who has sole access to the NOCC ecosystem leaving. It then becomes impossible for other stakeholders to login to the portal provided by the NOCC and process for changing the details of stakeholders in the portal is time consuming and has no value to the system.

7. **High WPC and NOCC charges for satellite bandwidth:**
   a. Currently, DTH and teleport operators are paying significant payments to WPC (Rs.21 lac per 36MHz per annum) and NOCC (Rs.87,500 per MHz per annum) for the same satellite bandwidth as spectrum royalty charges and monitoring charges despite the fact that both WPC and NOCC are a part of DoT.
   b. Since DTH/teleport operators are paying huge money for satellite bandwidth, the above charges should be reasonable and nominal only to recover the administrative cost.

8. **Change of usage of spectrum from one service to another:**
   a. Currently, the service providers are permitted to use spectrum for a specific use which is mentioned in the agreement signed with the ISRO and subsequently in WPC and NOCC permissions. If the service providers want to change the usage of the spectrum from one service to another, it requires a prior clearance from ISRO and other government authorities, which in some cases takes 1-3 years.

b. Therefore, operators should be allowed to use spectrum as per their business and operational requirements including rearranging of carriers, change of Modulation, Data rate, FEC, etc. within their allocated spectrum whenever necessary with a due intimation to all the concerned authorities.

9. We feel that in addition to our aforesaid suggestions, the appropriate authorities must also look into the following:

   i. **Infrastructure sharing between DTH/ Teleport/Telecom Operators should also be permitted in order to synergize the resources for effective utilization**.

   Operators should be allowed to use spectrum as per their business and operational requirements including rearranging of carriers, change of Modulation, Data rate, FEC, etc. within their allocated bandwidth whenever necessary with due intimation to all concerned authorities.

Q11. **Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**
   a. **Simple, online and well-defined processes**
   b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
   c. **Precise and well-documented timelines along with the possibility of deemed approval**
   d. **Well-defined and time bound query system in place**
   e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
   f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**
Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

Airtel Response:

While the industry supports the in-country testing initiative of the Government, it is important to ensure that the testing procedure do not impede the growth of the sector and rollout of services in any way since this would adversely affect the citizens of the country.

The objective of the MTCTE process since the beginning has been to have in-country certification of all telecom equipment and doing so without impeding the growth of the sector in the country. This is why industry stakeholders have been advised to work with TEC and take proactive steps to get products tested and certified in the country.

However, since December 2020, no PON equipment (announced under MTCTE Phase 2 in June 2020) has been certified by TEC. This has resulted in the import of all such equipment being held up which, in turn, has caused huge business disruption and severely hampered the roll out of the necessary Broadband networks across India during this time of the pandemic. In this regard it is submitted that:

1. The issue of MTCTE Phase 2 has not been resolved yet and TEC has gone ahead and issued Phases 3 & 4 including a large number of products with hugely stringent timelines. It is to be noted that this has been done without accessing the capabilities of the in-country labs.

2. The MTCTE regulation came into existence in Sept 2017 and has since been revised from time to time. As part of the MTCTE Procedure circular no. TEC/MP/DD/TCP-711/02. Oct18, guidelines provided on test results/reports are as follows:

    a. ILAC Test results/Reports accepted at the time of submission shall not be older than 5 years.
    b. CAB Test results/Repots accepted at the time of submission shall not be older than 1 year.

3. The latest update in the MTCTE Procedure dated May '21 TEC 93009:2021 states:

    a. ILAC Test results/Reports accepted at the time of submission shall not be older than 5 years.
    b. CAB Test results/Repots accepted at the time of submission shall not be older than 5 years.
    c. Released "Guidelines for OEMs/Test labs/CABs regarding MTCTE" emphasize the 5- year duration of Test results/reports.

4. Considering the above notifications and communications with and from the authorities, industry got the clear mandate to move ahead and invest in the testing of products for itself if it wanted to be market ready and compliant as per the regime. Testing of products for our members has already been conducted as per the following prioritization:

    a. Testing has been conducted at CAB certified labs as per availability of requirements.

    b. Testing has been conducted at ILAC certified labs in India as per availability of requirements.
    c. Testing has been conducted at ILAC certified global test labs completed at ILAC certified labs as per stipulated requirements.

5. **Circular No. 5-2/2021-TC/TEC/93 has superseded the MTCTE Procedure updated 2.1 announced in the month of May '21 and limits the acceptance of reports to 2 years instead of the 5 years published earlier.**

6. **This amendment from 5 years to 2 for retesting products is going to mean a huge waste of investment, not to mention time and effort.** This amendment seems to be punishing efficiency and product conformance rather than supporting it. You would appreciate that pro-active support in product conformance should not result in penalties. As we all know the entire world is suffering from pandemic for the past ~2 years and activities of all kinds have been restricted in every sphere of life. The same holds true for telecommunications and its related functions. **Hence, restricting the timeline to 2 years gives minimal scope to utilize the existing investments of our members.**

7. **There are only a few certified labs with the capability, availability and competent resources to test and when you take into account the technical requirements and volume of products available in the market, it becomes even more of a challenge.**

8. There are also products that have reached maturity and are in a decline and where no innovation is

taking place that continue to remain relevant to the present network architecture. For all such products, time tested and well accepted by TSPs across the globe, MTCTE should accept the old reports recognizing that no OEM is going to have the motivation to invest in a product which is in a decline. Products that are going to be introduced newly in the market can be tested as per the latest standards and revision/release levels. **A standard and its latest version cannot be applied retrospectively to a product already introduced in the market 4-5 years before the new standard comes into effect. TEC may insist on these standards, but the revision/release of the standards should be relaxed.**

9. This would result in a huge increase of effort in terms of retesting including hardware, logistics and other activities and in some cases would actually impact the strategy lifecycle of the product, adversely impacting business for the OEM concerned.

10. **The circular under reference does not include Phase IV products under its statute but timelines are almost similar to those of Phase III**. In fact, the enforcement timeline is exactly the same.

11. The reason to make it as Phase IV technical reports non acceptance will create a void in industry investment in technical testing for products existing in the market to ensure compliance.

12. **For the industry this is detrimental as this means that for the 36 product types there would innumerable pieces of equipment (tested over the last 4 years), which would need to be retested to get the required certificate by July 1, 2022, an impossible task looking at the quantum of rework (including the reimport of 1000s of devices for retesting, rebooking of labs, reallocation of resources, etc.) involved.**

13. This will lead to an untenable situation since it is highly unlikely that the labs would have enough bandwidth to redo all that was done in the last several years in less than 9 months.

14. TEC should consider accepting the existing ILAC reports to avoid the initial rush of retesting and any adverse impact it would have on business continuity.

15. **Given the above situation, we recommend the following**:

   a. The entire application process should be conducted online without the need for printed hard copies. The option of Digital Signatures should be made available.

   b. Any new phase of MTCTE should have a minimum one-year timeline for implementation after the phase is notified. This will help OEMs gear up for certification in multiple areas, arrange the required samples that in many cases need to be imported, do trial testing in the accredited labs to prepare for requirements, address shortcomings, seek clarity and give an adequate window for supply chain and sales functions.

   c. Maintaining the confidentiality of a product before it is launched needs to be built into the application system. Applicants should be allowed to choose the date of publication of the Certificate after the due process of scrutiny and grant of application has been completed. This will prevent leakage of product details to competition before the official launch of the product/model.

   d. Inclusion of high-volume products in any phase of the MTCTE scheme need to be considered

keeping in view the capabilities of the labs.

e. Timelines should be published and known to the applicant for each stage of the application process with well-marked SLAs and reasonable timelines. On completion of each stage, the actual date of completion should also be highlighted.

f. **MTCTE certificate approvals** for running smooth business operations **should have a reduced lead time**. The process of MTCTE testing requiring OEMs to bring the sample product in India should be simplified.

g. **Cost of testing under the MTCTE regime needs to be reduced**.

h. O**verlaps between the MTCTE regime and NSDTS should be identified and removed.**

> **Q12.   What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.**

Airtel's Response:

The following measures may be considered to avoid duplicity in standards and testing:

1. **Inter-ministerial/departmental   dialogue**   to   ensure   no   more   than   one ministry/department/authority is working on standards or certification on any specific area or to ensure that no more than one nodal ministry gets the relevant inputs from other relevant stakeholder ministries. For example, like certification of ICT/IT products like smart cameras. The MeitY/BIS had included smart watch as part the existing CRO process through Gazette Notification No S.O. 2742(E) dated 17th August, 2017. The same was again included in the MTCTE scheme.

2. What is required is for the **authorities to let existing certification schemes continue for products which are already under a government scheme.** New products and product categories not already undergoing certification within an existing scheme may be put under a new scheme such as the TEC MTCTE scheme. This will avoid EoDB challenges to the industry and help prevent confusion to the end consumer.

3. In a world of convergence, where Telecom, IT and media are merging rapidly, all end user consumer products like smart watches, phones should be under the Ministry of Electronics/BIS certification scheme as these products are heavily dependent on applications, software, safety and security much beyond the hardware and connectivity of the device. All the core telecom nodes and equipment like mobile switching elements, gateways, radio and access products which talk directly to the Core switching nodes like Radio Base Stations, etc. can be tested and certified by TEC. TEC has got adequate experience and know-how of the intricacies of such telecom and wireless core and radio products and solutions, a knowledge which has been built up over decades and it is important that the expertise and knowledge of a department is factored in while deciding the certification ownership of a product. Thus, we recommend:

- **Consumer ICT end products- MeitY/BiS**
- **Telecom Core nodes and equipment- DoT/TEC**

4. The need is to ensure that fragmentation, duplicity and overlap is avoided for the certification of a single product to ensure EoDB.

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of

a. Simple, online and well-defined processes
b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
c. Precise and well-documented timelines along with the possibility of deemed approval
d. Well-defined and time bound query system in place
e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

AND

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

Airtel's Response:

Currently, DTH operators cannot directly engage with foreign satellite operators for availing capacity due to the lack of an open sky policy for Ku Band. The engagement is directly done by Antrix without involving the concerned DTH operator, which is quite time-consuming and costly. Further, DTH operators are required to pay a certain percentage of the negotiated price to Antrix.

Therefore, we request TRAI for the following:

a) **Like Broadcasters and Teleport Operators, there should be an Open Sky Policy for Ku Band as well so that DTH operators can directly engage with multiple foreign satellite operators and negotiate the rate of satellite bandwidth with them directly**. Since the cost of satellite bandwidth runs into hundreds of crores, DTH operators should have the reasonable right to be a party to such negotiations. DTH operators should be allowed to hire bandwidth in any satellite based on their business requirements.

b) **Currently, DTH operators cannot enter into an agreement via Antrix with foreign satellite operators for a period of more than 3 years.** For an Indian satellite, the period of agreement

cannot be more than one year. The short duration of these contracts not only increases the cost of satellite bandwidth, but also adversely affects the business plans of DTH operators.

Since satellite spectrum is the most critical and basic resource for a DTH operator (like access spectrum for a mobile operator) to run its business/services and DTH operators hold a license for 15 years, **the period of contracts should be longer for Indian and foreign satellite operators. This would not only reduce the overall cost of satellite bandwidth significantly, but also protect the business interests of DTH operators** by having the assured and contracted satellite bandwidth for a longer period.

c) **At present, the entire process of allied permissions for satellite bandwidth and capacity for DTH operators involves approvals from multiple ministries and departments, such as MHA, DoS, MCA, MoF, WPC and NOCC.** The approvals are sought independently and separately from each Ministry/Authority, and any delay with one Ministry/Authority adds to the delay in the subsequent process for applying to other ministerial/authority stakeholders in the chain. This challenge gets further aggravated through the absence of stipulated timeframes and, in cases where there are timeframes, timelines being overrun.

In highly time-sensitive businesses like DTH, such delays impact the business adversely including the financial obligations of making payments of valuable forex to foreign satellite operators while the approvals are still pending due to which satellite bandwidth is yet to be operationalized. All these processes involve the physical filing of documents with the relevant authorities.

Therefore, in order to bring EoDB, cost effectiveness and efficiency to the entire process, we recommend the following:

1. **A portal should be set up that is integrated between all authorities/departments/ministries viz. MIB, WPC, NOCC, DOS,** etc. so that applications and approvals automatically reach the department/Ministry they are meant for. This will not only reduce timelines but will also make the administrative process faster and more seamless.

2. **The complete approval process should be integrated into a single window clearance system** that enables the filing of applications online with MIB. The concerned Ministries/Departments should be asked to give their comments/approvals online through the intranet shared between ministries. The process should be guided by specific timelines.

3. An auto mail system should be put in place so it can be operated whenever intimations of approvals, rejections, resolutions etc. of applications or queries have to be sent to applicants, concerned departments, etc.

4. Final permissions and approvals should be enabled online and in a downloadable form.

5. Digital signatures should be endorsed and accepted by the portal.

6. Agreements like GOPA should be digitally signed in order to escalate the process.

7. Any payment obligations including payments for satellite bandwidth should commence post receipt of last approval in the chain and from the date of actual use of the bandwidth.

8. One-time Forex Remittance authorizations should be provided for the entire duration of the contract executed between the approved satellite service provider and the DTH Operator on the basis of the copy of the contract filed with MIB. DTH Operators can continue to provide the details of such payments on a yearly basis.

9. The validity of the approvals from different Authorities/Ministries on the same matter should be for the same period /term so as to obviate the need for re-approvals.

10. All the periodic intimations or reports should also be made online only.

Q15. **Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**
   a. **Simple, online and well-defined processes**
   b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
   c. **Precise and well-documented timelines along with the possibility of deemed approval**
   d. **Well-defined and time bound query system in place**
   e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
   f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration**

Give your suggestions with justification for each permission / registration separately with detailed reasons along with examples of best practices if any.

Airtel Response:
No Comment.

Q16. **What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?**

Airtel Response:

Considering telecom infrastructure has to be operational 24x7 and for 99.95% of the time, it is important to ensure that uninterrupted grid power is made available to the telecom sector. Accordingly, we submit that TSPs should be provided with:

   i. **Electricity Board (EB) connections at Utility/Industrial rates.**
   ii. Uninterrupted supply to Telecom Towers on 24x7 basis and on top priority.
   iii. An exemption from scheduled power load-shedding.
   iv. Consolidated billing and payment with availability of supply hours:

  a. Consolidated electricity bills to be provided on the company's registered email id to eliminate the time and effort required for physical collection and download of thousands of bills.
  b. Consolidated online payment allowed so as to avoid late payment and disconnection.
  c. Electricity availability hours for the period of bill provided in bills

Further, finding reliable and economical solutions to supply the BTS power installed in rural areas and away from the grid has become a challenge for mobile operators.

In such a situation, **renewable energy sources like Open Access policy are very promising. However due to the limitations of minimum connected load (of 0.5 or 1MW) prescribed under the Open Access policy, TSPs are unable to make use of it since a single tower may consume around 15 to 20KW of energy.**

Accordingly, we recommend that Open Access for Solar / Renewal Energy should be allowed without any policy restrictions on minimum usage (single point generation-multi point consumption allowed to be aggregated for multiple tower sites) or else, the TSPs should be allowed to aggregate a certain number of towers to be able to make use of the Solar open Access policy.

Further, state electricity boards should support the telecom infrastructure with uninterrupted power supply and time bound closure in terms of electricity connections.

Power availability in USOF projects:

Airtel is executing USOF projects in the rural and remote areas of the North East, Assam, Meghalaya, Bihar, Rajasthan, Andhra Pradesh, Telangana, Jharkhand and Uttar Pradesh and the availability of uninterrupted and reliable power supply has proved to be a major bottleneck in swift implementation of projects.

At the sites being installed in the remoter locations of the USOF scheme, in several cases, either 24x7 grid power is not available or it doesn't exist at all. The quality of the supply is also a concern which needs to be addressed by the Authorities. Moreover, there are inordinate delays in provisioning connections and inordinate amounts of time and effort have to be spent to complete the application processes and subsequently follow up on them.

These remote locations also have a lot of challenges in terms of access and this only becomes worse during severe weather conditions. So, the provisioning of power supply through alternate arrangements like DG is also difficult due to accessibility issues, especially as such power sources require a continuous supply of fuel.

The State Authorities should provide a framework wherein such sites are provided with a reliable grid power on priority, so that inhabitants of these remote locations are able to reap the socio-economic benefits of telecom services in their entirety. This will also help the TSPs to adhere to the QoS norms as laid down by the TRAI and meet the KPIs specified in the USOF agreement without incurring a non-performance penalty.

Therefore, it is necessary that the State Authorities prioritize uninterrupted and reliable power supply to such locations in a time bound manner and also provide a single-window online system for submitting applications.

> **Q17.** **Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.**
>
> **AND**
>
> **Q18.** **Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.**

Airtel Response:

SARAS, as a portal for compliance was introduced during 2019 with the objective to allow on-line compliance for better administration and management of LF and SUC including for payment of fees, verification of deduction and assessment of LF & SUC dues.

- **The mechanism of reporting and filing at the SARAS** portal and the office of Controller of Communication Accounts although simple, **still requires a lot of iterations** before it can be called user-friendly and before it can ease out the compliance process as was expected before this on-line module was implemented. At present, the objective of ease of doing business has not been achieved completely with the implementation of SARAS.

- Similarly, on the issue of compliance, declaration and verification of revenues with the Controller (CCA) offices, the entire mechanism of compliance requires a review as it has issues. The review is also required in light of the new telecom regime starting from 1 Oct'21.

- The issues with the SARAS and CCA offices arise primarily from the inherent complexities of areas covered for compliance and the processes attached to them. This gets further complicated with the involvement of multiple stakeholders spread over different geographies involved at different points in time.

  For instance, the assessment of LF is dependent on the DVR report collected from the circle by the central office. The response for demand cum SCN is also required to be submitted in two parts – for DVR to respective circles and for the rest to the DoT HQ. Again, finalization of the demand depends on the response received from the CCA office. This leads to a loop getting created in the system.

  Another example, in the matter of verification of deduction, the activity being akin to an audit, is that it requires a lot of judgement to be exercised by the officers carrying out the verification. This leads to varied interpretations of the same guideline by the different CCA offices leading to varied results and representations with DoT HQ for intervention. This again creates a loop.

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Since these issues are inter-linked, they have been discussed in detail below:

1. **Reporting and Filling at SARAS**:

    -   Even after 2 years of implementation, the system is still evolving. There are lots of basic issues which require urgent attention, e.g., time taken in generation of GAR 6 & GAR 7 and consequent upload of documents in SARAS again. The overall time taken in compliance has actually increased after SARAS has been instituted and so have its complexities. The issues have been flagged with DoT and have been awaiting resolution for quite some time now.

    -   As the process is not yet streamlined, dual submissions, i.e., physical as well as online, continue in parallel leading to an increase in both work pressure and time. Further, even once the module gets implemented fully, the requirement for physical submission of documents in some cases will not be fully done away with, e.g., quarterly compliance of LF and submission of notarized documents.

    -   In some cases, post the implementation of SARAS, although there has been ease of payment in terms of the LF & SUC dues, the overall time taken towards compliance has increased. This has been explained in some detail below:

        In the matter of the payment of LF & SUC dues

        o   Previously, the LF & SUC payment compliance was a 1-step process wherein all the documents along with payments used to get submitted to the respective CCA offices.

        o   However, the main issue with this was that since payment was getting done through DD, a huge sum of money was unnecessarily getting locked in the banking system without giving any benefit to DoT and having a cost on the TSP.

        o   Now with the introduction of SARAS, although the payment process has been eased (for being online directly to the government account with RBI), additional steps have been introduced w.r.t. verification of payment. This has delayed the complete process of compliance by 1-2 days. Some examples follow:

            i.   First pay through SARAS, then wait for the generation of GAR 6 (final receipt of payment) & GAR 7 (challan),
            ii.   Take the print out of all documents along with provisional receipt, GAR 6 & GAR 7.
            iii. Get these physical documents notarized and submit to CCAs.
            iv.   Finally, submit acknowledged documents in SARAS portal.

        In the matter of Verification of Deduction

        There are still some basic issues which need to be resolved in order to make SARAS the complete tool:

            i.   In the instance of a single piece of evidence for multiple transactions no provision exists for a GL extract upload.

    ii.   The document size that can be uploaded in SARAS is also limited and requires to be appropriately adjusted.

    iii.   The complete set of documents need uploading time and again.

2. **Reporting and Filing with Controller of Communication of Accounts including Deduction Verification with CCA and other compliances:**

At present, the LF assessment is a two-step process:

1. CCA offices carry out a verification of deduction from Gross Revenue and send their report, known as the Deduction Verification Report ('DVR'), to DoT HQ. This report carries the disallowances made by the CCA offices w.r.t the deduction claimed by the operators.

2. DoT HQ further carries out a re-computation of revenue and takes into cognizance the DVR received from the circle. Accordingly, DoT HQ sends a demand cum show notice to the operators.

Post receipt of this Demand cum SCN, there are two separate representations required to be filed:

1. In the matter of DVR, representation is required to be made with the respective CCAs.
2. On assessment of revenue and other issues, representation is required to be made to DoT HQ.

This whole process is not only cumbersome but also time intensive, confusing and sometimes leads to disagreements between different stakeholders.

Further, since the activities are carried out by multiple stakeholders, varied interpretations of the same guidelines and resultant practices lead to unnecessary debate and resultant disallowances even for genuine issues.

The current decentralized mechanism is also not in sync with the new era of licensing regime starting from 1 Oct'21. For instance, with the introduction of ApGR, a reconciliation with Company books is required. It would be relevant to mention here that some of the income that accrues to Company does not accrue to the licenses. Such revenues/gains are thus accounted for in HO books but not in circle/license books. The ApGR cannot be completed till the complete reconciliation with Company books is done. Thus, in this case first, such revenue is allocated to circle for the purpose of ApGR and then, a consolidated reconciliation of these with Company books, is required. Thus, there is repetition of the same activity. Further, given the fact that now the AGR is dependent on ApGR (wherein exclusion of revenue would be shown), this may again create a gap between field offices and the HQ as the whole of assessment process is divided between them. This may also create dependency of CCA offices on one another.

Therefore, this whole mechanism needs simplification and the only feasible solution in such situation would be a centralized verification and assessment process. This shall ease out the entire process and would bring-in better synergy in managing the overall verification and assessment process.

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3. Issues w.r.t. Declaration and Verification of Deduction from Gross Revenue

There are lots of issues being faced on the ground when it comes to implementing the deduction verification process.

The size of documents submission

At present, thousands of papers are being submitted every quarter to the CCA offices towards the verification of deduction from Gross Revenue.

It is time that the process of verification should move to the next level**. Instead of the current 100% verification, a process of sample base deduction verification should be adopted.** The approach of sample base is a scientific approach of audit wherein samples are selected based on audit tools.

In case the TSP fails on the sample size, as a rule the sample size may be further increased. The usual prevailing practice is that for every failed sample, there shall be an additional 3 samples. If the auditee fails again, the sample size is further increased to 5 additional samples. In cases where the auditee continues to fail despite the additional samples, 100% verification or special audit gets recommended. The same type of mechanism may also be evaluated in order to avoid the current cumbersome and time intensive process.

The approach to deduction verification:

The verification of deduction is a process akin to an audit wherein sufficiency of the documents submitted gets evaluated for the claim towards deduction. However, at present, the process of document verification is being treated more like an investigation than an audit. For instance, the actual validity of a document is challenged or the TSP is asked to explain why something shown as an expense is shown revenue by another operator.

This despite the fact that of all these submitted documents are signed by the Authorized Signatory. Further, at the end of the year, the detail of these submissions is certified by the Statutory Auditors of the Company before being submitted to DoT.

4. Issue of Special Audit:

We believe that **with the start of a new Telecom era from 1st Oct'21, a new and efficient audit system should also be initiated**. **It is time that these multiple levels of audits of TSPs be removed.** However, we fear, that the reason for seeking our view on the special audit in this consultation paper is that it is going to continue to be a routine feature.

Just as the name suggests, the Special Audit is a special tool exercised only under exceptional circumstances. It should not become a routine feature. As such it is requested that any attempt to regularize the same should be discouraged.

Further, going by past experience, the approach of Special Audit and Auditors should be participative and inclusive.

Therefore, we recommend and suggest the following steps for ease of doing business in the above context:

1. In order to resolve issues with SARAS, DoT should have an in-house team of technical experts to manage this application end to end. Dependence on NSDL is delaying its successful implementation.

2. **In-line with the management of Bank Guarantees which has now been centralized, the payment and related administration / management of LF and SUC too should be centralized.** This will allow the centralized agencies managing BG to manage their own work more effectively removing as it will the need for them to check sufficiency with the field office.

3. **The verification of DVR and the Assessment of License fees and SUC fees should be handled by one and the same office.** A centralized mechanism to do so is required as:

   a. It allows effective management of ApGR as all the revenue of the Company might not pertain to a Specific License. For example, a company may have dividend income from an investment made by it in a different company that does not pertain to any license. This kind of reconciliation can then be carried out at Company level before preparing the AGR statement for the License.

   b. It helps to manage Demand cum SCN better as all issues are required to be addressed at one place. The possibility of errors and multiple iterations to notices and resultant delay are also all reduced, thereby helping ease the implementation of notices and reduce the time taken to discharge a particular demand notice.

4. The process of verification of deduction has been settled over the last 4-5 years and it is now time this process moves to the next level. **Instead of the current 100% verification, the audited report submitted for the purpose should be relied upon. In case DoT still wants to verify the correctness of the claim, they may do so through a process of sample base deduction verification.**
   The approach of Sample base is a scientific approach wherein samples are selected based on the audit tools. In case the TSP fails on the sample size, as a rule the sample size may be further increased. The usual prevailing practice is that for every failed sample, there are 3 additional samples. If the auditee fails again, the sample size is further increased to 5 additional samples. In cases where the auditee fails despite the 5 additional samples, 100% verification or special audit gets recommended. The same type of mechanism may also be evaluated in order to avoid the current cumbersome and time intensive process.

5. **Alternatively, LfDS could be implemented along the lines of TDS under the Income Tax laws**. This would have the following benefits:

   o Reduce the paper work and thus submission of papers (e.g., submission of bank statement, TDS proof, etc.).
   o Prepone the payment of License Fees.
   o Ease deduction verification process.
   o Simplify verification of revenue.

6. **Any attempt to regularize the Special Audit of TSPs should be seriously discouraged**. These are special tools to be exercised under exceptional circumstances and cannot and should not be made into a routine affair. The reason for doing so should be recorded and the TSP should be given a fair and reasonable opportunity to make its submission against the same. The reason for acceptance /

rejection of the TSP plea should also be recorded and intimated to the TSP. The final outcome of the decision should follow.

7. **Further, even in the case of a Special Audit, the rules of audit should be adhered to. Accordingly, while adhering to the Terms of Reference (TOR) given by the DoT, submission of the TSP involved should also be recorded and with it the reason for acceptance / non-acceptance**. As per the routine audit practice, a draft report should first be shared with the TSP for its final comment. The reason for acceptance / non-acceptance of the TSP should also be recorded. A copy of the final report should also be given to the TSP by the Auditors.

Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

Airtel Response:

Subscriber Verification Audits:

The objective of the CAF audit is to ascertain compliance of the onboarding/activation process. This compliance is important to ascertain that the SIM card issued is to a bonafide applicant.

Operators have been in existence since the late 1990's and the policies/instructions for onboarding have evolved over a period of time, so, technically, there are documents with TSPs for more than 30 years.

The current DoT's guidelines prescribe a 0.1% sample every month for all circles except AS/NE & JK where it is a 0.2% sample that is required to be audited every quarter by the respective DoT LSA units. Currently, the DoT LSA units can ask for the CAF of active subscribers for any period every month and continue to audit the entire base every month. As audit percentages in most of the service areas is above 98% and the acquisition quality of TSPs have improved remarkably over the years with the introduction of intelligent solutioning and system automations, this exercise for CAF verification does not yield any material benefit.

Moreover, penalties are imposed on each non-compliant CAF based on the following compliance graded slabs:
> 95% @ Rs. 1,000
> 90% and < 95% @ Rs. 5,000
> 85% and < 90% @ Rs. 10,000
> 80% and < 85% @ Rs. 20,000
< 80% @ Rs. 50,000

However, for AS/NE & JK LSAs this amount is multiplied by 4 when levying a penalty.

We would recommend that the following points be reviewed and considered:

▪ **CAF audit be carried out only for a newly implemented process** (after 1 month of implementation) for 3 consecutive months and corrections (if any) be given to the TSP for rectification. No penalties

should be levied based on the observations. **Thereafter, the CAF audit should be carried out every six months for subscribers acquired in the last 1 year.**

- **TSPs should be given 3 months' time to make corrections for all future activations and if completed within this 3-month period, no penalties should be imposed for the period.**

- **The sample size should be fixed @ 5000 samples / LSA or 1% whichever is lower and the frequency should be six monthly as recommended.**

- Database submission and CAF audit should only be done electronically.

- **The concept of Outstation & Local subscriber should be abolished and the requirement of capturing local referee details on CAF too should be done away with.** Most commonly used PoI/ PoA like Driving Licenses, Voter ID Cards, Passports, Aadhaar cards are valid for various purposes across sectors, so why should there be any discrimination when it comes to telecom services. This also defeats the objective of the one country one policy.

- With the high level of compliance being demonstrated by TSPs and the intent to improve compliance, the graded slabs should be modified to-

  - o > 90% @ Rs. 1000
  - o > 85% and < 90% @ Rs. 5,000
  - o > 80% and < 85% @ Rs. 10,000
  - o < 80% @ Rs. 50,000

- **Similarly, the special consideration for AS/NE & JK by applying a factor of 4 should also be done away with.**

Some additional points that should be considered from the point of view of EoDB:

- **Only an incremental base for the monthly subscriber audit should be considered**.

- **The requirement to change SIM for P2P, ownership transfer, COCP to Individual, individual to COCP even with fresh KYC should be done away with.**

- **Local referee addresses should be made non-mandatory in the case of outstation customers as valid details will be available with the corresponding TSP of referee number.**

- **Quarterly & Periodic Verification:**

  - o Periodic verification should be exempted as taking B2B connections is more authentic than prepaid and PV is already happening before sim activation.
  - o As there are changes in the working culture of corporates due to the pandemic with most corporates working from home, operators are struggling to complete verification from corporates. In the wake of the pandemic and various offices being shut-down or partially operating, the process of verification should be exempted.

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- Live photos in the eKYC should eliminated as matching Live Vs. UIDAI image is a tedious task and may not be 100% accurate.

- API for De-dupe by DOT should be instituted across all operators for better customer experience.

- Re-activation Process

  o Numbers outside LSA should be reactivated (PD Recreation process to be simplified), currently there is no process.
  o Numbers with change of customer, who is a bonafide user of the connection, or even new customers should be reactivated.

- Agent addition under an existing retailer should be allowed like in the rest of India. For JK & NESA, every activating retailer has to be police-verified and cannot have agents under him activating under the same PoS code.

- **Aadhaar and PAN should start being accepted as proof of validity.** We have started Aadhaar Biometric activations from the month of December parallelly with DKYC activations. Still, in NESA, we do not accept Aadhaar as a document while processing DKYC acquisitions. Since in EKYC biometric activation is already done through Aadhaar, we can explore incorporating this in the case of DKYC as well as the PAN card.

- Every month we submit the **scanned images of the LTD base to all the 3 TERM cells of NESA. This should either be modified or eliminated completely.** This activity takes around a weeks' time as entire numbers need to burned in CDs. This can be simplified if we submit only the incremental numbers activated every month or eliminate the process completely.

- CLIR process should be simplified. (ADG/DG Intelligence to write to DOT/ TERM Cell directly and DoT can ask the required CAF/Verification to approve.)
- The process for TERM Sample for Paper acquisitions should be modified. Currently, we submit copies of the numbers activated on paper. These then need to be numbered in box files and indexed. Can we not look to an option of submitting scanned images even for paper acquisitions? This will save a lot of man hours currently going into printing and then filing.

- Verified Digi-locker documents for both individual and corporates should be accepted for DKYC activation process.

- ATR / Re-verification Window be increased to 7 days instead of 72 Hrs. for Non - Compliant cases in monthly TERM audit.

- Retrospective Non – Compliance cases of Rectified POS/Agent should not be considered as Non-Compliant.

- Ad hoc connection verification (MHA) cases should be given in schedule (once in a month) instead of whenever they come up as it is impossible to manage timelines.

- **End user for Govt entities should be relaxed.**

- o Though DOT has relaxed mandatory POI / POA guidelines for defense and army accounts, the same support should be extended to other strategic accounts (Restricted to IT / security sector) on the basis of company risk undertaking.
- o Journey needs to be bifurcated into KYC of corporate and information of end user. Company documents, i.e., POE, POA, POI of Authorized signatory can be collected before onboarding. Numbers shall be activated as and when information is received of end user against the number through user themselves.

- **Ease of collecting documents from B2B customers**

   - o Video KYC should be allowed for new activations and Authorized Signatory photo should be captured through live links rather than the mandatory pic to be taken in front of Airtel executive.
   - o Operator should be allowed to retrieve company document through Digi locker or customer should have the option to upload the document on Airtel provided it is done through a secure portal.
   - o Operator should be allowed to use company document already provided by customer with previous activations. All previous documents are scanned and stored in Airtel portal, the same can be used with further requirement by customer.

Security Audits:

In today's telecom eco system, most of the controls in the telecom network from the point of view of data and communication security are implemented at the central level and are equally applicable to the entire network in all the areas the TSPs operate in.

Hence, it is suggested that a single audit is conducted by the DoT HQ as this will ease the burden on the licensor as well as the licensee.

> **Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.**

Airtel's Response:

Presently, there are multiple (pre-defined) periodic as well as incidental filings (reports included) which a DTH Operator is required to file with the MIB. Almost all of these filings are submitted in physical form, for example, even simple intimations. This poses challenges including for follow-ups with relevant departments/verticals within the ministry or any feedback loops.

In this digital age, such an archaic process is highly time consuming and also has an impact on cost for the DTH operators. It can easily be made more efficient by enabling a single portal for facilitating such submissions.

Therefore, we recommend the following:

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1. A simplified and common portal for periodic filings by operators.

2. The requirement of prior permission from MIB before effecting any change in the CEO / Board of Directors of the company should be relaxed. It is submitted that the positions of CEO / Board of Directors/key officers are very senior and dynamic positions and the requirement of obtaining prior permission from MIB before making any such change forces the company to be non-compliant to the license conditions as at times it takes substantial time to find a suitable replacement. Such a requirement of obtaining prior permission for effecting any change in the CEO / Board of Directors does not exist in the case of other Telecom Licenses and this should be kept at par with them.

3. The requirement of seeking prior approval from MIB for any proposed change in equity & shareholder agreement should be removed. Our submission is that such time-consuming approvals is a deterrent in case a DTH Operator intends to make changes in their equity during a specific time frame. As the concerned entity is already subjected to compliance to FDI guidelines as well as the applicable framework notified by the Ministry of Corporate Affairs, such prior intimation is unnecessary. Typically, such type of requirement does not exist in case of Telecom Licenses and DOT does not specify any prior approval. The same should be done in the case of DTH License as well.

4. The process of payment of License Fee should be simplified. Post the payment of License Fee, the Operator is required to file Form D and the intimation of payment of License Fee to the Ministry. This incidental process should be aligned with the present fee payment procedure and the physical filing terminated. The Form D and other documents required in the physical format may be attached in a fresh window post payment of the License Fee.

> **Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.**

Airtel Response:

Yes, there is a need to improve the present reporting and compliance system in TRAI, as highlighted in sections covered below.

Telecom Reporting Requirement:

Presently ~60 Reports are being submitted with the regulator on a monthly/quarterly basis emanating from a whole host of regulations/orders.
However, a lot of these reports can be integrated which will reduce the burden on the TSPs while preserving the quality and requirement for TRAI to analyze such submissions.

One example where such a consolidation could take place is the multiple subscriber base reports that are being submitted to TRAI and DOT:

- Breakup of subscribers in LSAs, State, Rural, Urban, mobile, landline, broadband
- We recommend revising the format and including all the above in a single submission.

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TRAI should carry out a full-fledged exercise with the TSPs to work on reducing the number of reports by consolidating them. This will help immensely in easing out operational activities.

TRAI should also introduce a portal for the online periodic filing of all telecommunication services. The Portal should also include incidental/ad-hoc filings.

Review of QoS Benchmark for Customer service related parameters:

It is pertinent to mention that most of the QoS parameters were devised at the time when the industry was at a very nascent stage and services were dominated by voice calls.

For example, one of the parameter for mobile services, i.e. **Percentage of calls answered by the operators (voice to voice) within 90 seconds (> 95%): Ov**er the period of time technological advancement/digitalization has led to new and effective ways for the customer to reach out to the TSPs which include TSPs mobile App, chat-bots, WhatsApp etc. These are far more effective, time saving modes raising issues/queries/complaints with the TSP, hence these modes should be encouraged and lesser thrust should be imposed on maintaining the compliance on accessibility of call center.

Therefore, we feel that there is a need to review the existing benchmarks for Customer service parameters under mobile, broadband and landline services in accordance with the changing scenario of interactive modes between TSPs and the customer.

Review/revision of provisions for Financial Disincentive: While TSPs do their utmost to always comply with the various reporting and compliance requirements set out by TRAI stipulated regulations, directions, and orders, financial disincentives, parameters are discussed above are not relevant today and hence the financial disincentives against noncompliance to such parameters should be done away with.

Reporting Timelines Presently, we are submitting about 60 plus reports to TRAI and its various divisions. Sometimes, it becomes a daunting task especially during quarter endings. **Hence it is submitted that the reporting timelines be increased for all monthly and quarterly submissions by at least 10 days**, thereby giving additional time for the TSPs to ensure error free submissions.

DTH Reporting Requirements and Suggestions:

DTH Reports: DTH Reporting at TRAI is quite a cumbersome task which involves physical filings and filing of various reports through Email as well. It is recommended that TRAI **get the reports through a portal facilitated by TRAI wherein all the periodic filings and other filings such as filing of Tariffs/Bouquets can be done by the DTH Operators at prescribed intervals.**

Provisions of Annual Audit: The annual audit under Interconnection Regulations is performed during the period of January to December. However, the general period for Audit in an entity is the financial Year starting from April to March the preceding year. This is another issue DTH Industry is facing for all audits as audits in all the entities related to the operator are performed during the regular financial year, unlike the one prescribed in the Regulation. **It is therefore requested that TRAI align the annual audit of the entity with the Financial Year reporting to make it an ongoing parallel process with other audits. Currently, the evaluation period for audit is January – December every year.**

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<u>Filing of Interconnection Agreements with TRAI</u>: TRAI has formulated a portal namely, BIPS, for Broadcasters and DTH Operators to upload their Interconnection Agreements and all other related information onto. The filing and reporting of Interconnection Agreements in the formulated portal by TRAI is a time consuming and cumbersome process and does not add any value to the productivity of the DTH Ecosystem. In this regard it is duly submitted to **TRAI should allow the DTH operators to provide an Annual Certification stating that the Operator will adhere to the T&Cs of the Interconnect Regulations and will follow the published RIO. The provision of Financial Disincentive in the Regulation should be done away with.**

EPG guide has too many rules – sequence of genre and prior approval etc which needs to go away.

Monthly and Quarterly submission needs to be simplified as it is extremely exhaustive.

Price changes should be like Telecom – within 7 days of launch rather than 15 days prior to launch.

Micro Regulation on issues such as installation charges, activation charges and STB schemes etc. This is a highly competitive industry and such oversight needs to go away.

> **Q22.** **Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.**
>
> **AND**
>
> **Q23.** **What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.**

Airtel Response:

There are certain reporting and regulatory compliances which are required to be discontinued or modified according to changes in the business model, technological advancements, and licensing framework. Some of the examples are stated below:

1. **Online Tariff Filing and Review System (OTFRS):** TRAI needs to holistically review the tariff reporting formats which contain over 270 fields out of which the majority are redundant and need to be reduced if not completely eliminated.

2. **Revenue Reporting:** TRAI is collecting a detailed revenue report on various components such as MOUs (Local(on-net/off-net), STD (on-net/off-net), under the heading of Number of outgoing/incoming and average holding time (in seconds) for Local/STD/ISD of revenue. Due to convergence of services or unlimited services these heads are no longer relevant.

3. **Refinements in the Accounting Separation Report (s):** Accounting separation reports (ASR) were modified in 2016. Now, there is a need to align them with the present business model. Requirements like special board approval for Accounting Separation Reports should be done away with since being a listed company and under the Companies Act, we are already subjected to various audits. Presently, Access providers, NLD & ILD service providers are required to submit their Accounting Separation Report based on replacement Cost Accounting every second year along with Historical

Cost Accounting. For example, a Pan India mobile operator submits the equivalent of 207 reports[2] on replacement cost accounting under the ASR.

Since the telecommunication sector is under forbearance, we note that during the last 10 years, **TRAI has not used ASR based replacement cost accounting for any tariff fixation/telecom pricing perhaps for regulatory decisions. Therefore, this redundant requirement should be done away with**.

4. **Redundant Directions:**

    1. Direction dated 2nd May 2005 to all Access Providers regarding publication/ advertisement of tariffs for consumer information: This direction should be done away with in view of the TRAI Direction dated 16th January 2012 which supersedes the said direction.

    2. Direction dated 12.10.2004: TRAI Direction dated 12.10.2004 mandates tariff reporting within seven days of implementation of a tariff. However, this requirement was revised vide 52nd Amendment to TTO 99 from "seven days" to "seven working days". Hence, the Direction dated 12.10.2004 should be done away since the definition of "reporting Requirement" under the TTO 99 has been revised vide 52nd Amendment to TTO dated 19.09.2012.

5. **Other compliance/ Regulatory Issues:** In order to promote ease of doing business, we submit that the following suggestions be considered:

    a. TRAI in its 2019 recommendations[1] decided to continue with the provision of a hard copy of the bills with the provision to relook at it in a year's time. Therefore, we recommend the provision should be reviewed. The trends show that even though most postpaid customers are moving towards the digital mode of getting their bills and making payments, TSPs are still bound to offer hard copy of the bill by default. Hence, **the M-bill and E-bill should be mandated as a default option.**

    b. The Consumer Complaint Redressal Regulation 2012, TRAI Direction dated 4 May 2007 mandated TSPs to share an abridged version of the Consumer Charter and inclusion of certain information in postpaid bills, respectively. In today's digital age, where a majority of the customers are familiar with the mobile applications of the TSPs, such information through a physical medium should be done away with.

    c. Periodic Newspaper Publications under The Consumer Complaint Redressal Regulation 2012: Presently a wide range of options are available with the customer to reach out to the TSPs which are transparently communicated through website, mobile application, SMS etc. The regulation is in place for almost a decade and the customers are fully aware of such details including the redressal mechanism. Hence, publishing the details of call center numbers, appellate authority, details of web-based monitoring system in newspaper (one regional language and one Hindi/English) every 6 months as mandated in the Consumer Complaint Redressal Regulation 2012 should be done away with.

    d. **Segregation of type of products based on the MRP may be done away with barring price points of Rs. 10, 50, 100, 500 & 1000 which may continue to be reserved for Top Up vouchers if so**

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[2] Under ASR, a TSP prepares nine Performa for each of 22 LSAs and also one at national level.

desired and the TSPs may be allowed to rollout other products like STVs, CV etc. on all other price points in multiples of Rs. 10. Further, the mandate of the colour coding for the Plan Vouchers (PV), Combo Vouchers (CV), Special Tariff Vouchers (STV) and Top-up vouchers should also be done away with.

e. TRAI's mandate of colour coding for Plan Vouchers (PV), Combo Vouchers (CV), Special Tariff Vouchers (STV) and Top-up vouchers has become outdated as the vouchers are now being provided digitally by TSPs and hence the paper vouchers and colour coding of paper vouchers have lost their relevance. Hence, **the requirement for colour coding of vouchers should be done away with.**

f. **Doing away with Direction on Blackout Days:** TRAI should do away with the Direction on reporting blackout days. In today's age where the customer gets bundled offerings of data and voice at fixed price points, there is no relevance to declaring blackout days. **Hence, the directions should be repealed.**

g. **Quality of Service Reporting**: TRAI, based on the quarterly submissions of the TSPs, publishes Performance Indicator Reports on its website on a quarterly basis. However, there are cases with respect to QoS parameters where TSPs have been issued SCNs even after publication of reports by TRAI. Once the TSPs respond to the SCNs, TRAI takes a view on the financial disincentives based on the number of LSAs where the TSP is non-compliant. In such a scenario, while there could be a change in the number of non-compliant LSAs post submission of response to SCN, the performance indicator reports for a quarter already published by TRAI should be revised. This will give a fairer picture of the level of compliance to the public at large.

h. **Control of fraudulent porting:** The issue controlling fraudulent porting has been discussed with TRAI and DoT in the past. In this regard we reiterate that no MNP should be allowed for at least 10 days from the date of replacement of SIM card. This will help customers who have been the victim of such SIM frauds.

i. **Metering and billing sampling methodology:** As mentioned by the TRAI in its CP on "Review of the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006" dated 01.09.2020, both prepaid and post-paid services have disproportionate subscription levels, market share, ARPU, charging, and customer scenarios, hence sampling of both segments should not be treated similarly.

Based on current market trends, the major gross adds are on unlimited products, where there is technically no metering or billing. Hence, we should simplify the audit process rather than getting into concepts of Plans, Packs, STV, Combo, etc. Ideally, it should be restricted to the top 3 unlimited prepaid products and the top 2 Postpaid subscriber plans during the quarter.

j. **Rationalization of Metering & Bill provisions:** Presently, M&B audit observations need to be verified by the TSP within 15 days and if there are any discrepancies[3] in the billing, a refund need to take place within 2 months. If the amount is not refunded within 2 months, then an amount equivalent to the amount which could not be refunded is levied as a financial disincentive**.** The

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[3] Under sub regulation 3 of regulation 6A of the Metering & Billing regulation 2006 as amended on 25th March 2013, the amount due for refund to the customer on account of overcharging shall be refunded to the customer within 2 months from the date of observation shared by the auditors. Further, sub regulation 1 of regulation 6D if the said refund is not done within 2 months, the TSP be liable to pay an amount, by way of financial disincentive, equivalent to the amount overcharged which was not refunded.

Authority will appreciate that the processing of refunds takes time due to operational constraints which at times are beyond the control of the TSP. For example, there are 20 customers who have been identified for refund. However, only 10 are traceable. In such cases, current Regulations impose financial disincentive equivalent to the amount of refund which could not be processed for these 10 cases even though this amount is deposited in the TRAI designated account which seems unreasonable. Therefore, **we would like to submit that financial disincentives of an amount equal to the amount which could not be refunded are unfair, and should not be levied on the TSP.**

k. **Mobile Number Portability Regulation:** MNP Regulation was released in 2009 and with changes in the regulatory environment and increased adaption of automation techniques, it has been refined as is evident from the 8 amendments which have been carried out in the Mobile Number Portability regulation. While the regulation has evolved over the last 10 years, there are still some issues which need deliberation and have been points of contention over the past few years. Hence, we suggest some changes which will ease out the process lapses and create a conducive environment towards ease of doing business.

1. In the case of customers whose numbers get disconnected due to non-payment of dues to the donor operator, there is the possibility that such customers may not remember their account numbers while making the payment which may result in the payment getting posted to some other account. **Hence, while raising Non-Payment Disconnection Service Request, the mandatory field for the account number should be enabled to provide the account number details in which the payment should be made by the customer.** This will resolve a lot of operational issues and will benefit customers in ensuring that the reconnection happens without any delay.

2. **In corporate porting, the authorization letter format should be issued by the DO TSPs and letter should be simplified in order to have a better porting experience** as there are a lot of fields which are nor relevant in the extant authorization letter as mandated under the MNP regulation.

3. **There should be provisions with regard to the payment to be made by the corporate entity for the last generated bill** in case a limited number/one subscriber needs to be ported out from a corporate account.

l. **Support required for effective implementation of Interconnection Regulations –**

1. **Support required for Implementation of PSTN Regulation**-For the purpose of routing of calls, the country has been divided into 22 LSAs, 322 LDCAs/ SSAs and 2645 SDCAs. Earlier, the connectivity for PSTN calls was required to be established at SDCA. Thus, there was a requirement to establish POI at 2645 SDCAs for local calls and 322 LDCAs for TAX/NLD calls. Vide TIR 2020, TRAI has done away the POI requirement at SDCAs and now POIs need to be established at LDCC only. For launch of fixed line services, POIs are now required to be established at 322 LDCA locations. **However, despite signing of addenda to this effect with BSNL in 13 LSAs, implementation has only been completed at very few LDCA locations even after 18 months of the framing of regulation by TRAI.** This has acted as a deterrent for launching of fixed line services in towns and caused considerable delay. Presently, a large number of PoIs are handling an insignificant percentage of the total telephony traffic leading to highly inefficient utilization of

resources. Continuing decentralized interconnection is leading to increased cost of operations resulting in increased price for the end customer. Intervention from the Authority is required for implementation of the Regulations.

2. **Delay/ Non-implementation of The Telecommunication Interconnection Regulations, 2018 dated 01.01.2018 ('TIR') and the Telecommunication Interconnection (Amendment) Regulations, 2018 dated 05.07.018 ('regulations') –** Despite continuous follow-ups with BSNL, the regulations have still not been implemented even after 3 years. Support is required from TRAI on the implementation of these from the date of regulation as there is already considerable delay/ non-implementation.

   a. **Non-implementation of port charges regulation -** The TIR mandates the seeker to pay port charges for its outgoing traffic and provides for conversion of existing ports to one-way ports. Intervention from TRAI is required for directions on immediate implementation from the date of TIR.

   b. **Non- Implementation of regulation on Bank Guarantee** - Clause 5.2 (a) of the TIR provides that the Bank guarantee has to be provided by service provider who is liable to pay interconnection usage charges, after adjustment, to the other service provider. Despite the regulation, BSNL is seeking IUC BGs as per the previous practice prior to the regulation. Intervention from TRAI is required for directions on immediate implementation by BSNL.

Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/ MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.

Airtel Response: -

We would like to highlight a critical issue, which though not relating to grant of permission, however, has significant & cascading impact on 'Ease of Doing Business' in the Telecom operations on the ground.

Our key concern is around selling of illegal mobile signal boosters & repeaters – its easy access and installation has become a major nuisance and has become one of the biggest reasons for customers facing network issues. These illegal repeaters interfere with the existing network signals, resulting in call disconnections, low data quality and compromised speed with all surrounding mobile networks, impacts signal quality and degrades network experience in the entire area.

While the DoT has made installation, possession or selling of illegal repeaters as a punishable offence as per Indian Wireless Telegraphy Act, 1933 and Indian Telegraph Act, 1885[1], however it continues to be sold in the market or remained deployed probably at various places across cities.

The Mobile operators invest heavily in acquisition of spectrum and network rollout to enhance customer experience however these illegal boosters cause serious interference with the mobile network and degrades customer experience for general public at large.

We therefore request that such illegal installation of boosters/ repeaters should be made a cognizable offence on an immediate basis. Also, targeted action needs to be taken to ensure removal of such existing installations of boosters/ repeaters. In this regard, we recommend that various enforcement Authorities like WPC/ DoT and Police and impacted operators individually or through industry associations like COAI form a special task force and they be empowered to take necessary action for survey/ removal of such installations and such reports be shared/ published on a monthly basis by the DoT and TRAI.