



DG/COAI/2024/454
November 19, 2024

Shri Akhilesh Kumar Trivedi
Advisor (NSL)-II,
Telecom Regulatory Authority of India,
Tower F,
NBCC World Trade Centre,
Nauroji Nagar, New Delhi – 110029.

Subject: COAI's response on TRAI's Consultation Paper on "The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023"

Dear Sir,

This is with reference to the Consultation Paper issued by TRAI on " The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023" on October 22, 2024.

In this regard, please find enclosed COAI's response to the aforementioned Consultation Paper.

We trust our above submission would merit your kind consideration and look forward to your valued support on the same.

Thanking you in anticipation,

Sincere regards,

Digitally signed
by Lt. Gen Dr. SP
Kochhar
Date: 2024.11.19
20:16:09 +05'30'

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COAI Response to TRAI CP on The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023

We thank the Authority for providing us with the opportunity to share the response to the Consultation Paper on The Terms and Conditions of Network Authorisations to be granted under the Telecommunications Act, 2023.

1. At the outset we submit that a simplified approach should be adopted, and the number of authorisations should be kept at the minimum.
2. The telecommunications sector is a cornerstone of India's economic growth, playing a crucial role in driving innovation, connectivity, and digital transformation across industries. A robust, transparent, and stable regulatory framework is essential to ensure sustainable growth, foster competition, and enable the sector to meet the evolving needs of consumers and businesses alike. A **stable framework** not only supports technological advancements but also ensures that **all stakeholders, including telecom operators, service providers, and consumers, can benefit from a level playing field and a conducive environment for investment and development.**
3. In this context, we emphasize the importance of simplifying the authorisation process and minimizing the number of authorisations required to promote business efficiency, streamline operations, and reduce regulatory complexity. It is crucial that the regulatory framework supports the needs of operators, enabling them to deploy and maintain high-quality infrastructure while ensuring regulatory compliance. **Hence no major change should be brought about in the licensing/authorisation regime.**
4. We submit that the licencing regime has been **contractual** in nature. **We further submit that the authorization process must continue to retain the existing contractual nature. This will ensure uniformity and will enable migration from the old Telegraph Act to the present New Telecom Act.**
5. The migration should be **voluntary** and the principle of "**no worse off**" should be adopted. Furthermore, we strongly suggest that the migration of licensees to the new regime should not negatively affect any on-going litigation or infringe upon the existing legal rights of licensees.
6. Further, TRAI should comprehensively assess the telecommunications sector's market dynamics before implementing policy changes. A thorough Regulatory Impact Analysis (RIA) is crucial to understand potential consequences and ensure policy effectiveness. TRAI must carefully evaluate the proposed modifications' implications, considering the substantial financial investments already made by telecom service providers. This approach will help maintain long-term policy sustainability, balance industry interests, and promote a stable telecommunications ecosystem.

With respect to the questions asked in the Consultation Paper, our issue-wise response is as follows:

- Q1. Whether there is a need to merge the scopes of the extant Infrastructure Provider-I (IP-I) and Digital Connectivity Infrastructure Provider (DCIP) authorization (as recommended by TRAI in August 2023), into a single**



authorisation under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

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Q2. In case your response to the Q1 is in the affirmative, kindly provide a detailed response with justifications on –

- a) Eligibility conditions for the grant of the merged authorisation; and
- b) Area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the merged authorisation.

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Q3. In case your response to the Q1 is in the negative, -

- a) What changes (additions, deletions or modifications) are required to be incorporated in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the IP-I authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 as compared to the extant IP-I registration?
- b) Whether there is a need to make certain changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the DCIP authorisation 71 (as recommended by TRAI in August 2023)? If yes, kindly provide a detailed response with justifications.

COAI Response

Members will respond individually.

Q4. a) Which telecommunication equipment/ elements should be included in the ambit of 'in-building solution' (IBS)?

b) Whether there is a need to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such an authorisation? Please provide a detailed response with justifications.

COAI Response

Members will respond individually.



- Q5. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Content Delivery Network (CDN) authorisation, as recommended by TRAI on 18.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the CDN authorisation? Kindly provide a detailed response with justification.**

COAI Response

Members will respond individually.

- Q6. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Internet Exchange Point (IXP) authorisation, as recommended by TRAI on 18.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, 72 operational, security etc.) of the IXP authorisation? Kindly provide a detailed response with justification.**

COAI Response

Members will respond individually.

- Q7. Whether there is a need to make any changes in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the Satellite Earth Station Gateway (SESG) authorisation, as recommended by TRAI on 29.11.2022? If yes, what changes should be made in the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the SESG authorisation? Kindly provide a detailed response with justification.**

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- Q8. Whether there is a need to introduce a new authorisation for establishing, operating, maintaining or expanding satellite communication network, which may be used to provide network as a service to the entities authorised under Section 3(1)(a) of the Telecommunications Act, 2023? If yes-**

- a) What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such authorisation?**
- b) Whether an entity holding such authorisation should be made eligible for the assignment of spectrum for both feeder link as well as user link?**

Kindly provide a detailed response with justification.



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- Q9. Whether there is a need to introduce an authorisation under Section 3(1) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding ground stations, which may be used to provide ground station as a service (GSaaS)? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) for the authorisation to establish, operate, maintain, or expand ground stations, which may be used to provide GSaaS? Kindly provide a detailed response with justifications.**

COAI Response

Members will respond individually.

- Q10. Whether there is a need to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, which may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023? If yes, what should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such an authorisation? Kindly provide a detailed response with justifications.**

COAI Response

- a) The existing framework for terrestrial network authorization is sufficient to encompass the cloud-hosted telecommunication networks for providing telecommunication services. Introducing a separate authorization for cloud hosting could lead to unnecessary regulatory complexity and duplication.
- b) Therefore, we believe there **is no need for a separate authorization for cloud-hosted telecommunication networks**, and the current framework should be sufficient to accommodate these services without additional regulatory layers.
- Q11. What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of the authorisation for Mobile Number Portability Service under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.**

COAI Response

- a) We recommend that no changes are required in the current regulatory framework for MNPOs.
- Q12. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the various sections including Sections 4 to 9, 19 to 24, 32 to 42, 44, 45, 49, and 55 of the Telecommunications Act, 2023 and technological/market developments in the telecommunication sector? Kindly provide a detailed response with justifications.**



COAI Response

- a) These sections cover a wide range of crucial regulatory areas, including licensing, administration of licenses, infrastructure-related provisions, and telecommunication policy enforcement, dispute resolution, all of which require careful scrutiny and therefore should be thoroughly examined and addressed through a separate consultation paper.
- b) Furthermore, before considering any change, it is important to conduct a consultation with all stakeholders including telcos. The changes should only be considered if there is a clear, demonstrated need based on current trends and operational realities within the telecom sector.

Q13. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 considering the policy/ Act in the Space Sector and other relevant policies/ Acts in the related sectors? Kindly provide a detailed response with justifications.

COAI Response

Members will respond individually.

Q14. What should be the terms and conditions for the merger, demerger, acquisition, or other forms of restructuring of the entities holding network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023? Please provide a detailed response with justifications in respect of each network authorisation.

COAI Response

Members will respond individually.

Q15. What conditions should be made applicable for the migration of existing network licenses, registrations etc. to the new network authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

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Q16. What procedure should be followed for the migration of existing network licenses, registrations etc. to the new network authorisation regime under Section 3(1)(b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

COAI Response

- a) Telecom operators should be encouraged to migrate to the new authorisation regime, but this transition should remain entirely voluntary. Existing licensees must have the choice to migrate, without any obligation to do so. Section 3(6) of the Telecommunications Act, 2023 clearly allows for optional migration, and we



respectfully urge that this provision be upheld in practice. To maintain fairness, the terms and conditions of existing license agreements under the Indian Telegraph Act, 1885 and the authorization agreement under the newly enacted Telecommunication Act, 2023 should remain the same.

- b) The migration process should ensure that level playing field is maintained among operators offering the same services. The principle of "**no worse off**" should be upheld.
- c) Furthermore, we strongly suggest that the migration of licensees to the new regime should not negatively affect any on-going litigation or infringe upon the existing legal rights of licensees.

Q17. Whether there is a need to introduce certain new authorisations (other than the authorisations discussed above) to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023? If yes, -

- a) **For which type of telecommunication networks, new authorisations should be introduced?**
- b) **What should be the eligibility conditions, area of operation, validity period of authorisation, scope, and terms & conditions (general, technical, operational, security etc.) of such authorisations?**

Kindly provide a detailed response with justifications

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Q18. Whether there is a need to remove certain existing authorisations to establish, operate, maintain or expand telecommunication networks, which may have become redundant with technological advancements? If yes, kindly provide a detailed response with justifications.

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Q19. Whether there is a need to club the scopes of certain authorisations to establish, operate, maintain or expand telecommunication networks into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for bringing more efficiency in the telecommunication networks? If yes, kindly provide a detailed response with justifications.

COAI Response

Members will respond individually.

Q20. What provisions should be included in the terms and conditions of various network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023 to improve the ease of doing business? Kindly provide a detailed response with justifications.



COAI Response

Members will respond individually.

Q21. Whether there is a need for mandating a reference agreement between authorised entities establishing, operating, maintaining or expanding the telecommunication network, and authorised entities providing telecommunication services? If yes, -

- a) **Between which type of entities, reference agreements are required to be mandated?**
- b) **What should be the salient features of the reference agreements between such entities?**

Kindly provide a detailed response with justifications.

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Q22. Are there any other inputs or suggestions relevant to the subject? Kindly provide a detailed response with justifications.

COAI Response

a) We believe that mandating a reference agreement between network operators and service providers is not required. Agreements should be based on mutually agreed terms tailored to the needs of the involved entities.

b) Therefore, we recommend fostering voluntary collaboration and negotiations between entities, as this will better support the dynamic and evolving nature of the telecom sector.

Q23. In case it is decided for merging the scopes of the extant Infrastructure Provider-I (IP-I) and the Digital Connectivity Infrastructure Provider (DCIP) authorization into a single authorization under the Section 3(1)(b) of the Telecommunications Act, 2023, what should be the: -

- a) **Minimum equity and networth of the Authorised entity.**
- b) **Amount of application processing fees**
- c) **Amount of entry fees**
- d) **Any other Fees/Charge Please support your response with proper justification.**

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Q24. In case it is decided not to merge the scopes of IP-I and DCIP, what changes/modifications are required to be made in the financial conditions of - (a) DCIP authorisation as recommended by TRAI in August 2023 (b) IP-I authorisation



under the Telecommunications Act, 2023 with respect to the extant IP-I registration? Please provide a detailed response with justification.

COAI Response

Members will respond individually.

- Q25. In case it is decided to introduce a new authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding in-building solution (IBS) by any property manager within the limits of a single building, compound or estate controlled, owned, or managed by it, then-**
- a) Whether there is a need to have financial conditions associated with such an authorisation?
 - b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?

COAI Response

Members will respond individually.

- Q26. Whether there is a need to change/ modify any of the financial conditions of the IXP and CDN authorisations from those recommended by TRAI on 18.11.2022? If yes, please provide a detailed response with justification(s).**

COAI Response

Members will respond individually.

- Q27. Whether there is a need to change/ modify any of the financial conditions of the Satellite Earth Station Gateway (SESG) authorization from those recommended by TRAI on 29.11.2022? If yes, please provide a detailed response with justification(s).**

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- Q28. In case it is decided to introduce a new authorisation for establishing, operating, maintaining or expanding satellite communication network under Section 3(1)(b) of the Telecommunications Act, 2023, then, what should be the financial conditions for such authorisation?**

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- Q29. In case it is decided to introduce an authorisation under Section 3(1) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding ground stations, which may be used to provide Ground Station as a Service (GSaaS), then:**

- a) Whether there is a need to have financial conditions associated with such an authorisation?



- b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?

Please provide detailed response with justification.

COAI Response

Members will respond individually.

- Q30. In case it is decided to introduce an authorisation under Section 3(1)(b) of the Telecommunications Act, 2023 for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, which may be used to provide telecommunication network as a service to the authorised entities under Section 3(1)(a) of the Telecommunications Act, 2023, then:**

- a) Whether there is a need to have financial conditions associated with such an authorisation?
- b) In case your response to the above is in the affirmative, then what should be financial conditions for such an authorisation?

Please provide detailed response with justification.

COAI Response

- a) We submit that a separate authorisation for cloud-hosted telecommunication network services is not required.
- b) Please refer to our response to question no. 10.

- Q31. For Mobile Number Portability Service authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, should the amount of entry fee and provisions of bank guarantees be:**

- a) kept same as per existing MNP license.
- b) kept the same as recommended by the Authority vide its Recommendations dated 19.09.2023.
- c) or some other amount/ provisions may be made for the purpose of Entry Fee and Bank Guarantees.

Please support your response with proper justification.

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- Q32. For Mobile Number Portability Service authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, whether there is a need to review/ modify:**

- a) Definition of GR, AGR, ApGR.



- b) Rate of authorisation fee
- c) Format of Statement of Revenue Share and License Fee
- d) Norms for the preparation of annual financial statements
- e) Requirement of Affidavit

Please provide your response with detailed justification.

[COAI Response](#)

- a) As stated in the response to question no. 11, we submit that no change is required in terms and conditions applicable to MNPOs.

Q33. What financial conditions should be made applicable for the migration of the existing licensees/ registration holders to the relevant new authorisations under section 3(1) (b) of the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

[COAI Response](#)

- a) The migration process should ensure that operators are not placed at a disadvantage under the new regime. The principle of "no worse off" should be upheld, ensuring that operators face no harsher conditions than under their previous agreements.

Q34. In case it is proposed for introducing certain new authorisations to establish, operate, maintain or expand telecommunication networks under Section 3(1)(b) of the Telecommunications Act, 2023, what should be the respective financial conditions for each of such authorisation(s)? Please provide a detailed response with justifications in respect of each network authorisation, separately.

[COAI Response](#)

Members will respond individually.

Q35. What should be the financial conditions for the merger, demerger, acquisition, or other forms of restructuring of the entities holding network authorisations under Section 3(1)(b) of the Telecommunications Act, 2023? Please provide a detailed response with justifications in respect of each network authorisation.

[COAI Response](#)

Members to respond individually.

Q36. In case it is decided to club the scopes of certain authorisations to establish, operate, maintain or expand telecommunication networks into a single network authorisation under Section 3(1)(b) of the Telecommunications Act, 2023, then, what should be the financial conditions for such authorisations? Please provide



a detailed response with justifications for each network authorisation, separately.

COAI Response

Members to respond individually.

Q37. Whether there are any other issues/ suggestions relevant to the fees and charges? The same may be submitted with proper explanation and justification.

COAI Response

Members to respond individually.

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