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From: nchsebpl@gmail.com
To: "Sanjeev Kumar Sharma" <advbbpa@traf.gov.in>
Cc: jtadvbbpa@traf.gov.in
Sent: Wednesday, April 20, 2022 12:46:20 PM
Subject: Comments on Consultation Paper on use of Street furniture for Small Cell and aerial fiber deployment:

To
Shri Sanjeev Kumar Sharma,
Advisor,
(Broadband & Policy Analysis)
Trai, New Delhi,

Dear Sir,

The NCHSE as a Consumer Advocacy Group of TRAI (Registration Number with TRAI : TRAI/CAG/11/2013-CA) would like to offer the following comments on the subject cited above.

Q.1: Is there a requirement for any modification in existing RoW Rules as notified by DoT to accommodate small cell deployment on street furniture? If yes, please provide the changes required.

No comments.

Q.2: Have the amendments issued in 2021 to RoW rules 2016 been able to take care of the needs of aerial fiber deployment? If not, what further amendments can be suggested? Please provide exact text with justification.

We think that amendments issued in 2021 will take care of the needs of aerial fiber deployment. However, the 5G services which are in the initial stage, if deemed necessary may issue instructions to all states/U.T. for uniformity in one time charges irrespective whether it is metro or non-metro cities. But with regard to rural areas this one time charges can be lower down and such relaxation be given to states/U.T. So that looking at the rural area condition, states/ U.T. can give further relaxation in one time charges for fast development.

Q.3: What are the suggestions of stakeholders for aligning RoW policies issued by various other Central Government Bodies with existing DoT RoW policy?

The other Central/State Govt. bodies should keep in mind while levying charges that Small Cells have a basic aim for fast developing of 5G services in those areas for the betterment and welfare of the people and should always consider the existing D.O.T. ROW policy before levying any other charges on Small Cells.

Q.4: Whether it should be mandated that certain public infrastructure (municipality buildings, post offices, bus, and railway stations, etc.) be earmarked to have dedicated spaces that allow service providers to deploy macro/small cells? If yes, what are the possibilities and under what legal framework this can be done? What should be the terms and conditions of use of such infrastructure? Please provide detailed inputs with justifications.

Instead of mandate, it should be rest upon the Central/State Govt./ local bodies to decide where and which pole/places can be allotted to TSPs to deploy macro/small cells. As some of the areas/places /buildings are strategically important where this facility can not be given due to security reasons. But with regard to rural areas, this can be mandate and rural bodies like village panchayat/gram sabha be made responsible for that. For this, State Govt. should made suitable changes in the local bodies' act/rules, if required.

Q.5: Can some of the street furniture like traffic lights, metro pillars etc be earmarked for mandatory sharing between controlling administrative authority and Telecom Service/Infrastructure providers for deployment of small cells and aerial fiber? Does existing legal framework support such mandating? What should be the terms and conditions of such sharing? Please provide details

This aspect should be seen in broader perspectives and refer to rural, urban separately. In urban areas the street poles come under control of urban local bodies like corporation/municipality etc., and they charge fees if some one puts advertisements etc., on the poles. Similarly they can also charge annual rent like that from TSPs/TIPs for deployment of Small Cells and Aerial Fiber. Such provisions are there in Urban Local Bodies Act.

Q.6: How can infrastructure mutualization and infrastructure collaboration be ensured to avoid exclusive rights of way? What legal provisions can support mandating these? Provide full details.

We are of the opinion that infrastructure mutualization and infrastructure collaboration must be on shareable basis only.

Q.7: Should there be permission exemption for deploying certain categories of small cells at all places or all categories of small cells at certain places (Like apartments etc.)? What legal framework will support such exemptions?

Q.8: What should be the criterion/ conditions (like power, height etc.) and administrative procedure for implementing such exemptions? Please provide exact text with detailed Justifications

Comments on 7&8 : The use of small cells should be the criteria for exemption. Here again we have to consider urban, rural areas separately. In urban areas, if the use of small cells refer to 10 to 15 persons, can be exempted for permission, otherwise permission should be sought by the TSPs/IPs. For this local bodies should incorporate certain changes in their rules and for uniformity in the rules, State Govt. should come forward to enact changes in the Local Bodies Act. For rural areas irrespective the use of small cells for faster growth.

Q.9: For Small Cells that do not fall under the exemption category, should there be a simplified administrative approval process (like bulk approvals etc.) for deployment? If yes, what should be the suggested process? If not, what should be the alternative approach?

There should be some sort of control of urban local bodies and for this administrative approval may be necessary. It will be decided place to place, instead of bulk approval. If this will not be there, than TSPs/IPs will be interested in only those places where they find more beneficial and some areas can be neglected. This will jeopardise over all development.

Q.10: What power related problems are envisaged in deploying small cells on street furniture? Please provide full details.

Q.11: What viable solutions are suggested to address these problems? Please provide full details.

Comments on 10 & 11: Regular power supply is the main problem in deploying small cells and it is more so in rural areas. To overcome this problem TSPs/IPs should be allowed to have their own backup suited to the type of small cells. Almost the electricity rates are revised annually therefore, it will be difficult to suggest viable solutions. Solar energy can be the alternate, but its scope is very limited looking at the street condition and its surroundings etc. It is suggested that this aspect should be watched on an early basis and modified suitably thereafter.

Q.12: Is there a need for standardizing the equipment or installation practices for next generation small cell deployment on street furniture? If yes, what are the suggested standards and what should be the institutional mechanisms for defining, and complying to them?

Yes, there is need for both standardizing the equipment and installation practice, so that QOS can be reached to the point without any difficulty. At present it is difficult to suggest the standards, however the equipment producing units should have contact with TSPs/ISPs to decide the standards, looking at their requirements and prevailing condition of the street furniture where the small cells to be installed.

Q.13: Is there a need for a specific mechanism for collaboration among local bodies /agencies for deployment of small cells and arial fiber using street furniture? If yes, what mechanisms should be put in place for collaboration among various local bodies/ agencies involved in the process of permissions with TSPs/IP1s and to deal with other aspects of Small Cell deployment?

Since the deployment of small cells on street furniture are in the initial stage it is difficult to suggest any mechanisms at present. However, it should be mandatory for NBM to hold monthly meeting and in that if possible, members of SREC and Railway authorities may also be included. Besides this it is utmost important to have representations of TSPs and IPIs also in that Committee. This will facilitate to find out solution of any bottleneck which might come underway on monthly basis.

Q.14: Kindly suggest an enabling Framework that shall include suggestions about the role of various authorities, rules of coordination among them, compliance rules and responsibilities, approval process, levies of fees/penalties, access rules etc.

Broadly speaking under Framework of NBM, the problem of regulation of approval, fees/penalties etc., will come most and to overcome these problems NBM should suggest Central/State Govts., for solution. On their recommendations/modified/addition etc., in the prevailing Act to enable faster and uninterrupted growth of small cells in the areas earmarked for the development of 5G services.

Q.15: How can sharing street furniture for small cell deployment be mandated or incentivized? What operational, regulatory, and licensing related issues are expected to be involved in sharing of small cells through various techniques in the Indian context and what are the suggested measures to deal with the same?

The proposal of existing 4G tower sharing practice can also be the base for 5G. To promote broadband connectivity and enhanced broadband speed the scope of IP should be consider and TSPs should be asked to avail the facility provided by the IP instead of developing their own system. This will--

- reduce the cost
- inhance the utility of Small Cells
- meaning full expansion of 5G services
- able to maintain services at street furniture structure
- will have meaningful and fair competition between TSPs.

Therefore, looking to the situation at present we of the opinion that MORAN based sharing should be encouraged.

Q.16: Whether there should be any specific regulatory and legal framework to enable Small Cell and Aerial Cable deployment on

- i. Bus Shelters
- ii. Billboards
- iii. Electric/Smart Poles
- iv. Traffic lights
- v. Any other street furniture

It would be better if specific regulatory and legal frame work should be to enable Small Cells and Aerial Cable deployment on different places and poles. It will give trouble free development and at faster speed.

Q.17: What should be the commercial arrangements between the TSP's/Infrastructure Providers and street furniture owners for the same?

Commercial arrangement between the parties, we have to look first the investment/cost involved by different parties and, thereafter, can decide. On the face it can be 50:50 or 60:40 between TSPs/Infrastructure Providers and street furniture owners.

To sum up, if we look back National Digital Communication Policy was launched in 2018 and thereafter, little progress has been made. It is mainly because due to COVID epidemic. 5G Spectrums have not yet been sold fully and TRAI has to cut down its prices. Hope its auction can be completed in May, 2022. So everything is in the initial stage. But looking to the future problems that can arise in faster and speedy development of 5G services, we should take stock of these problems and their solutions. We think regulation, charges and compensation will be the three major issues to come up and for that necessary amendments in the concerning Acts/by laws should be initiated right now. Gati Shakti Programme of Govt. of India can be the right way to approach.

Thanks and Regards.

With Best wishes

R. Chandra,
CAG Member & Senior Fellow



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