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**To:** "Akhilesh Kumar Trivedi" <[advmn@traf.gov.in](mailto:advmn@traf.gov.in)>  
**Sent:** Thursday, August 31, 2023 8:02:44 PM  
**Subject:** Counter Comments TRAI CP dated [03/08/2023](#)

Dear Sir,  
Attachment is as per subject matter.  
2.Submitted for kind consideration.  
3.With wishes & regards,  
R B Sahajpal

## Counter Comments

### On TRAI SCP<sup>1</sup> PR<sup>2,3</sup>

#### 1. Introduction:

1.1 **TRAI** since its inception has “One of the main objectives of TRAI is to provide a fair and transparent policy environment which promotes a level playing field and facilitates fair competition.”<sup>4</sup>

1.2 Which objective/objectives of the ‘two’ of para ‘1.1’ above TRAI is aiming to achieve as an outcome of extant SCP is not explicit from the narrative/SQ’s raised inviting comments/counter comments from stake holders.

2. Moreover the terms ‘level playing field and competition’ have not defined by TRAI anywhere.

2.1 ‘SITA has renewed their licensed up to 2021. However, M/s BCS has not renewed their licenses after 2014.’

2.2. “This is however not the case for data communication services between aircraft and ground stations as there are only two global service providers offering such services in India and there is a limited request in terms of channels. Such conditions do not fulfil the goal of creating a competitive environment under the action methodology.”(ARNIC)

3. In addition to AAI (Airport Authority of India):

3.1 “IndiGo submits that, relying on Communication Services Providers (‘CSP’) like M/s. Societe Internationale de Telecommunications Aeronautiques (‘SITA’) and M/s. Bird Collins (‘BCS’) (‘collectively referred to as Service Providers’), to cater to the air-to-ground communications to only compliment other established voice communication channel with the ATC.”(INDIGO)

3.2. ‘Aeronautical Radio, Incorporated (ARINC), established in 1929, is a major provider of transport communications and systems engineering solutions for eight industries viz. aviation, airports, defence, healthcare, networks, security etc.

4. “The concerned frequency band is under consideration by the forthcoming ITU World Radiocommunication Conference 2023 (WRC23 agenda item 1.7) to allow the use of the band by satellite services. In this respect, we draw attention to the position of the Indian Government expressed in international forums proposing “a new allocation in the range 117.975-137 MHz” for the aeronautical mobile satellite (route) service. (see Note 1 below)” (INMARSAT)

### Supplementary Questions

**SQ1.** In case it is decided to bring data communication services between aircraft and ground stations provided by organizations other than Airports Authority of India under service licensing regime, what should be the eligibility conditions for obtaining service licence for data communication services between aircraft and ground stations? Please provide a detailed response with justifications.

**SQ2:** In case it is decided to auction the spectrum in the frequency range 117.975-137 MHz for Data Communication Services Between Aircraft and Ground Stations, - (a) What should be the eligibility conditions for participating in auction? (b) Whether the entire available spectrum in 117.975 – 137 MHz band at each airport/ ground station should be put to auction? (c) What should be the block size of spectrum and minimum bid quantity in terms of number of blocks? (d) What should be the spectrum cap for each airport/ ground station? (e) What should be the roll-out obligations associated with the assignment of spectrum at each airport/ ground station? (f) What should be the period of assignment of spectrum? (g) What should be the minimum period beyond which the spectrum acquired through auction may be permitted to be surrendered? 17 (h) What should be the process and associated terms and conditions for permitting surrender of spectrum

## Counter Comments

On

TRAI SCP<sup>1</sup> PR<sup>2,3</sup>

through auction? Kindly provide a detailed response with justification in respect of each of the above.

**SQ3.** In case of auction based and/or administrative assignment of spectrum, what should the payment terms and associated conditions for the assignment of spectrum for Data Communication Services between Aircraft and ground Stations relating to: (i) Upfront payment, (ii) Moratorium period, (iii) Total number of installments to recover deferred payments, and (iv) Rate of discount in respect of deferred payment and prepayment? Please support your answer with detailed justification.

**Ans. SQ1-SQ3** There are no specific Ans.

**SQ4.** Whether there are any other issues/ suggestions relevant to the subject? The same may be submitted with proper explanation and justification.

**Ans. SQ4.**The following **conclusions** are submitted for kind consideration:

(a)Please refer paras 1.,1.1,1.2;**2.1,2.2**-the aim/objective of TRAI is not explicit:

Is it to ‘achieve level playing field’

or Competition

or both.

(b)Please refer para 2.1- M/s BCS is operating without renewal of license since 2012.

(c)Please refer paras 3.,3.1,3.2-it is also not clear whether solutions provided in respective/similar areas by AAI, SITA & BCS are competitive/complementary or additive.

(d) Kindly refer para 4.- ‘The concerned frequency band is under consideration by the forthcoming ITU World Radiocommunication Conference 2023 (WRC23 agenda item 1.7)’.

(e)**Suggestions**

The following suggestions are for kind consideration:

(i) Kindly refer para **Ans. SQ4(a)**- TRAI may issue definitions of ‘level playing field’ and ‘competition’ as soon as possible.

(ii) Kindly refer para **Ans. SQ4(b)**- TRAI/DoT may take action as deemed appropriate.

(iii)Kindly refer para **Ans. SQ4(c)**-Auction/Administrative path may be adopted as per need/exigency,

(iv)Kindly refer para **Ans. SQ4(d)**-outcome of WRC 2023 may be awaited before alienating any SPECTRUM ‘a natural resource’.

## References

1. [https://traigov.in/sites/default/files/CP\\_03082023.pdf](https://traigov.in/sites/default/files/CP_03082023.pdf)
2. [https://traigov.in/sites/default/files/PR\\_No\\_67of2023.pdf](https://traigov.in/sites/default/files/PR_No_67of2023.pdf)
3. [https://traigov.in/sites/default/files/PR\\_No.72of2023.pdf](https://traigov.in/sites/default/files/PR_No.72of2023.pdf)
4. <https://traigov.in/about-us/history>

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