

RJIL/TRAI/2024-25/241

19th November 2024

To,

Shri Akhilesh Kumar Trivedi,
Advisor (Networks, Spectrum and Licensing)
Telecom Regulatory Authority of India,
Tower-F, World Trade Centre,
Nauroji Nagar, New Delhi - 110029

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

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the Consultation Paper dated 22.10.2024 on **"The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023"**.

Thanking you,

Yours Sincerely,
For **Reliance Jio Infocomm Limited**

Kapoor Singh Guliani
Authorized Signatory

Enclosure: As above

**Reliance Jio Infocomm Limited's comments on TRAI's Consultation Paper on
"The Terms and Conditions of Network Authorisations to be Granted Under the
Telecommunications Act, 2023" dated 22nd October 2024**

Preface:

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving us an opportunity to offer comments on the important consultation paper on **The Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023**.
2. Notwithstanding and without prejudice to our opposing views to TRAI recommendations Framework for Service Authorizations under the Telecommunications Act, 2023 dated 18th September 2024, our issue-wise comments on the consultation paper are as below.

A. No need to create third party interests with active telecommunication networks.

3. A major focus of the consultation paper is observed to be on proposing authorized entities that will not obtain any spectrum resources or offer any telecom services to end-users but will build/expand/upgrade networks with active infrastructure elements and offer the same to service based authorised entities.
4. The proposed arrangement is an expansion of the Authority's recommendations on 'Introduction of Digital Connectivity Infrastructure Provider (DCIP) Authorization under Unified License (UL)' dated 8th August 2023 to encompass the entire telecom ecosystem.
5. We submit that such an arrangement with Authority's previous proposal for DCIP of **light touch regulatory framework, minimal security conditions and no License fee obligations will be detrimental to orderly growth of telecom sector as it creates regulatory imbalance and serious level playing field related issues.**
6. We understand that the primary driver for such proposals is the desire to increase sharing of infrastructure between TSPs. **However, in case equitable costs in the form of license fee are not simultaneously applicable on such proposed entities then such proposals will be anti-competitive for the shareable infrastructure available with existing Licensees as they are burdened with License fee obligations and these new entities like DCIPs will have a lop-sided cost and regulatory compliance advantage.**
7. Further, proposing new authorizations for sharing of infrastructure while continuously **ignoring the simple and straight-forward solution of permitting pass-through deductions for the infrastructure sharing charges is not a desirable option.** Pertinently,

the TRAI in its recommendations on 'Use of Street Furniture for Small Cell and Aerial Fibre Deployment' dated 29th November 2022, has recommended that.

2.113 ...in order to encourage such initiatives and infrastructure sharing practices amongst operating TSPs, the Authority recommends that the charges paid by licensed lessee TSP to any licensed lessor TSP for the use of spare backhaul media transmission resource capacity of the latter, should be omitted from the Gross Revenues of the lessor TSP to arrive at Applicable Gross Revenue (ApGR) of such Lessor TSP. To implement this, a new item named as "Revenue earned from other licensed TSPs from sharing/leasing of infrastructure" should be inserted under the existing license condition, named as "List of other items to be excluded from GR to arrive at ApGR" ...

8. Similar recommendations have been made for increasing coverage in **far flung areas, however, the industry demand for allowing deduction of pass-through revenue from AGR for sharing as an Ease of Doing Business (EODB) measure is regularly dismissed without any valid grounds.**

B. Arbitrage Opportunities and risk to network security.

9. Creation of Arbitrage opportunities is another risk of creating networks with license fee and compliance advantage. This coupled with **uneven playing field with competitive TSPs wishing to offer their infrastructure for sharing with other TSPs**, may well result in many TSPs obtaining such new authorization and build their network under such authorization instead of the service-based authorization to save in license fee costs. This would be contrary to the Government's aim to bring in measures for Ease of Doing business.
10. **This will lead to a chaotic regulatory environment in which the network creator will have a light touch authorization with minimal costs and compliance requirement and actual service provider will have all compliance requirement without actually owning/controlling the network leading to network security related issues even of the actual service provider who may be utilizing the resources of such network creators.**
11. Thus, in case the network authorizations are offered under very light touch regulations with no security requirements, then we will be facing a situation where major parts of **active network elements will be insecure** in comparison to current licensing requirements.
12. This will also lead to another competitive disadvantage for full service authorized entities as the lack of security requirements will create **imbalance in cost of procurement of equipment** from vendors for these entities' vis a vis TSPs.

13. On the other hand, providing for equal license fee and network security related compliance requirements for network authorizations will lead to a situation where such licenses will become too difficult or costly for facility-based providers and they would prefer a simple regime with no such obligations. However, once such commercial decision is taken by any organization, it will be an irreversible process. Therefore, it is better to recall such proposals at this stage itself.

C. Need for pure play facility-based authorization.

14. We submit that only optimum solution to maintain a regulatory balance as well as to ensure a level playing field, is by keeping the facility-based network service providers restricted to passive infrastructure creation as is being done currently with IP-I services with no **license fee burden or need for security compliances**.

15. We submit that with VNO (UL) authorization and IP-I registration, there is sufficient separation of layers in the telecom sector and there is no need for any further additional layers in between. Thus, as submitted earlier, under the new regime under Telecommunication Act only a Passive Network Authorization (“PNA-India” or “PNA-State”) should be instituted. The scope of this authorization should be analogous to current IP-1 registration.

16. Notwithstanding the above, in case the Authority decides to recommend such active infrastructure providing Authorizations, then the same license terms and conditions including the license fee should be applicable on these authorized entities as well.

D. Network authorizations for Satellite based communication services.

17. We submit that the satellite-based communication services primarily have two aspects, (a) the setting up of facility-based Satellite Earth Station Gateway (SESG) infrastructure that connects the networks with satellites and (b) providing voice, video and data communication services to end-users using satellite-based network.

18. As all spectrum bearing and activities pertaining to offering services to end user will come under the Access Services, the aspect of satellite-based communication services can come under a separate network service authorization is SESG services. As the Authority has already recommended for such a facility-based operator under its recommendations on ‘Licensing Framework for Establishing Satellite Earth Station Gateway’ dated 29.11.2022, the same can be modified and improved to meet this requirement.

19. Therefore, we believe that the satellite-based communication services (which also includes other non-terrestrial networks) should be covered under Access Services or the

Pan India All Telecom Service Authorization (“ASA-India”) suggested by RJIL under its comments to TRAI CP on **Framework for the Service Authorisations to be Granted Under the Telecommunications Act, 2023**.

20. This can be supplemented by a facility-based infrastructure provider under the SESG network authorization under which independent authorized entities can set up Gateway facilities and offer the services to service providers offering access services using satellite media. This should be a pure-play facility-based authorizations without any spectrum assignment and existing licensees holding SESGs should also be permitted to offer this infrastructure to other service providers.
21. However, contrary to this simplistic approach, which is also in line with the legislative intent of simplicity behind the Act, the consultation paper and Authority’s Recommendations on the Framework for Service Authorizations under the Telecommunications Act, 2023 have discussed multiple service and network authorizations for satellite-based communication services. While the recommendations proposed merging the existing GMPCS and Commercial VSAT CUG service authorisations into Satellite-based Telecommunication Service authorisation, the consultation paper discusses a new authorisation for establishing, operating, maintaining or expanding satellite communication network.
22. We submit these are unnecessary ideations and over-imagining the authorization scenarios for a simple issue and goes against the legislative intent of reducing the number of authorisations for a simplified regime. Further, the idea of creating/consolidating the authorisation based on the type of media is not in sync with the licensing evolution already achieved in India where we segregate authorizations on the basis of scope of service and there is complete spectrum and technology neutrality.
23. The Consultation Paper also discusses a new authorisation for establishing, operating, maintaining or expanding ground stations, which may be used to provide ground station as a service (GSaaS). As mentioned in the Consultation paper, the NGP recognizes that such service providers, providing services such as telemetry, tracking and command (TT&C). Since, these are commercial services and will be covered under definition of Telecommunication Services, these need to be brought within the authorisation framework under Section 3(1).

Other issues

24. We believe that Content Delivery Network (CDN) are basically auxiliary to telecom services and do not perform any telecom activity as such and should be kept out of

authorization framework. However, Internet Exchange Point (IXP) services need to be brought under the ISP authorisation to ensure parity in the authorisation framework.

25. There is no need for any major policy intervention in Mobile Number Portability Service Providers (MNPS) services, as these services are working fine, barring occasional SLA based issues which should be managed. However, we submit that under the new authorization regime, these entities should not be restricted to offer only mobile number portability solutions but should also provide all types of portability and other services where MNPS will directly deal only with TSPs, in compliance with TRAI Regulations.

26. Conclusions

1. There is no need to create authorized entities that will not obtain any spectrum resources or offer any telecom services but will build/expand/upgrade neutral networks with active infrastructure elements.
2. There is no need to introduce Digital Connectivity Infrastructure Provider (DCIP) Authorization or any more analogous authorizations.
3. These proposed network authorizations are anti-competitive, conducive to arbitrage opportunities and will jeopardize network security.
4. The Authority should recommend only pure-play facility-based authorizations on the lines of current IP-I registration titled Passive Network Authorization.
5. In case authorization for DCIP entity and similar entities is recommended that these should be subject to same conditions as applicable to the telecommunication licensees, such as levying of license fee, to uphold the principle of level playing field and remove possibility of any regulatory arbitrage.
6. Satellite based communication services should come under Access Services only.
7. Another facility-based authorization for satellite-based communication services should be introduced titled Satellite Earth Station Gateway (SESG) authorisation.
8. The services such as telemetry, tracking and command (TT&C) should be brought within the authorisation framework under Section 3(1) as ground station as a service (GSaaS) authorization.
9. There is no need for bringing Content Delivery Network (CDN), under regulatory framework. Internet Exchange Point (IXP) services need to be brought under the ISP authorisation.
10. No major policy intervention except for expanding the scope to all possible portability and other services where MNPS will directly deal only with TSPs is proposed for Mobile Number Portability Service Providers (MNPS).

Issue wise response:

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.

And

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.

And

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 (as recommended by TRAI in August 2023)? If yes, kindly provide a detailed response with justifications.

RJIL Response:

1. At the outset, it is submitted that the DCIP is a redundant concept with serious concerns over arbitrage, network security and creating single points of failure of networks and should be avoided. Consequently, we do not support DCIP proposal, which has also not been accepted by the DoT so far.
2. In fact, we request the Authority to withdraw the recommendations for DCIP and continue with IP-I as the sole facility-based authorization, as DCIP proposal is **detrimental to orderly growth of telecom sector and creates regulatory imbalance and serious level playing field related issues.**
3. While on the face of it DCIP may appear to some as useful for increasing the sharing of infrastructure between TSPs, however, this proposal is anti-competitive for the shareable infrastructure available with existing Licensees as they are burdened with License fee obligations and DCIPs will have a lop-sided cost and other regulatory compliance advantage.

4. We further submit that there are major flaws with the assumption that TSPs will have the option of taking network either from DCIPs or from other TSPs, and such presence of multiple entities will keep the prices reasonable and competitive. As this assumption **fails to take into account that these entities will be operating in an uneven playing field with DCIPs being exempt from License Fee levy and many other regulatory compliances. Thus, DCIPs will always have undue competitive advantage over TSPs wishing to offer their infrastructure for sharing with other TSPs.**
5. Allowing such arrangement of regulatory arbitrage will also result in many TSPs obtaining DCIP authorization and creating their network under such DCIP authorization instead of the service authorizations.
6. **This will lead to a chaotic regulatory environment in which the network creator will have a light license without license fee and compliance requirement and actual service provider will have all compliance requirement without actually owning/controlling the network.**
7. Another level playing field issue is the **lack of security requirements** and proposal of very light touch regulations for DCIP. While the exemptions from security requirements can lead to major parts of **active network elements being unsecure** as per current licensing requirements and creating **imbalance in cost of procurement of equipment** from vendors by DCIP vis a vis TSPs.
8. Additionally, we feel that **the absence of rigors of security conditions and other license requirements, there will always be concerns about DCIP network stability, which can become a single point of failure for many networks.**
9. This issue was also raised during the consultation stage; however, it was dismissed with an assumption that when some distributed network elements fail today, it affects only a limited area, and it doesn't bring the whole network to a standstill. However, this comparison is not optimum, as any failure in one TSP's network affects only that particular TSP's services as every TSP has its own network, whereas DCIPs would be serving multiple TSPs and any failure at DCIP's end would mean downtime for all TSPs simultaneously, **which may metamorphose into affecting QoS of millions of subscribers belonging to different sets of service providers at one go for indefinite time.**
10. We further submit that new investments through DCIP licensees may be the intention, however, widespread adoption of DCIP regime will pose new challenges in the form of external control over Quality of Service (QoS) and pricing as these will depend on the services and cost of DCIP services. Further, the possibility of a third-party influence on

launch of services or new technology cannot be ruled out as these decisions will depend on the availability of corresponding network.

11. **It will also discourage innovation and lead to India lagging behind in technological development as DCIPs would be unwilling to keep shifting to new technologies before the existing ones are sufficiently monetized.** It may also lead to unwanted externalities like exclusivity – for instance, if a major property developer obtains a DCIP license and sets up its exclusive network in all its properties, it can dictate terms of service to the TSPs and can irreparably impact the competition benefits and QoS for its residents by creating exclusive contracts.
12. We further submit that in the desire to keep the licensing/regulatory framework for DCIPs light-touch is a welcome step if applied uniformly without favour to a segment. However, the Authority had recommended that there is no need to levy License Fee (LF) on DCIPs as the Government would be able to earn LF from the services that TSPs would offer using DCIP infrastructure. This clearly shows that preventing any loss to the Government exchequer is a consideration for TRAI; **however, the whole burden of ensuring the same is sought to be put on TSPs, instead of distributing the same evenly across all stakeholders involved. This is highly unfair and discriminatory.**
13. Another major area of concern with the TRAI recommendations is the proposed principal-agent relationship envisaged between TSPs and DCIPs. DCIPs have been permitted to own, establish, maintain, and work Wireline Access Network, Radio Access Network (RAN), Wi-Fi systems, and Transmission Links. **Performance and uptime of these access networks and transmission networks is critical in achieving desired QoS. While the DCIP is supposed to maintain all access and transmission networks and fulfill the coverage gaps, it has been excluded from compliance to QoS Regulations** and other issues. Instead, TSPs will continue to be responsible for compliance to QoS Regulations and bear Financial Disincentives on QoS, even without there being any of their fault. **This would also be an unimaginable situation where one authorised entity will become responsible for omissions and commissions of another entity and this favoritism should be avoided.**
14. We submit that with VNO (UL) authorization and IP-I registration, there is sufficient separation of layers in the telecom sector and the Unified licensing framework is working effectively to deliver all services to all Indians and creation of a new **and separate DCIP Authorization under the Act, as recommended by earlier by the Authority will be detrimental to the orderly growth of telecom sector due to non-level playing field, competition issues and unnecessary confusion and favoritism in the sector.**
15. Further, in our response to the “Framework for the Service Authorisations to be Granted Under the Telecommunications Act, 2023” dated 11th July 2024, we had suggested a much

simpler and comprehensive version of authorization for creation of passive infrastructure e.g. Passive Network Authorization (“PNA-India” or “PNA-State”). The scope of this authorization was proposed to be kept same as the current IP-1 registration and submit that the same should be considered.

16. To avoid any arbitrage of levies, the active network element shall not be allowed to PNA holders. Only the ASA holder (India or State)), Carrier Service providers, Other Service authorization holders and their shadow VNO service providers shall be allowed to install the active network elements. Allowing installation of active infrastructure under this authorization (i.e. new avatar of existing IP-1 registration) would create a non-level playing field and regulatory arbitrage. Hence, there is no need to change existing terms and conditions of IP-1 in the proposed authorisation regime.
17. Further, we are constrained to reiterate that surprisingly, we continue to see proposals for new authorization for sharing of infrastructure while the industry demand of a **simple and straight-forward solution of permitting pass-through deductions for the infrastructure sharing charges is regularly ignored**. Pertinently, the TRAI in its recommendations on ‘Use of Street Furniture for Small Cell and Aerial Fibre Deployment’ dated 29th November 2022, has recommended that.

2.113 ...in order to encourage such initiatives and infrastructure sharing practices amongst operating TSPs, the Authority recommends that the charges paid by licensed lessee TSP to any licensed lessor TSP for the use of spare backhaul media transmission resource capacity of the latter, should be omitted from the Gross Revenues of the lessor TSP to arrive at Applicable Gross Revenue (ApGR) of such Lessor TSP. To implement this, a new item named as “Revenue earned from other licensed TSPs from sharing/leasing of infrastructure” should be inserted under the existing license condition, named as “List of other items to be excluded from GR to arrive at ApGR” ...

18. Similar recommendations have been made for increasing coverage in **far flung areas, however, the industry demand for allowing deduction of pass-through revenue from AGR for sharing is regularly dismissed**.
19. Notwithstanding the above, in case it is still decided to introduce DCIP authorization, these should be subject to same conditions as applicable to the telecommunication licensees, such as levying of license fee, to uphold the principle of level playing field and remove possibility of any regulatory arbitrage.
20. Further, in case DCIP authorization allowing active infrastructure is introduced along with imposition of requisite license fee, the IP-1 authorization in its current form should also

be continued for the entities who intend to only create passive infrastructure and provide to other authorized entities.

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.

RJIL Response:

1. In majority of building, the in-building solutions cannot be installed by multiple entities due to limitation of space and many other reasons. Therefore, creating any special license/authorization for IBS will lead to monopolization of the IBS rights for each building.
2. The Access providers, creating the network through the auction spectrum has the sole right to transmit spectrum across the geography including the in-building locations. No third party right can be created for any person to utilize/transmit these frequencies in the name of In-building service provider.
3. Further, any specialized license to IBS providers will enable them to abuse their monopolistic position and charge very high charges the TSPs arbitrarily, thereby, creating denial of RoW permission to TSPs as well as good in-building service to consumers. Due to distributed nature of buildings and their rights, even TRAI will not be able to regulate the IBS charges on the basis of cost.
4. At present, some building owners, especially the public places like Airport, Metro etc. sell the monopolistic rights to some IP-1 (despite the fact that such IP-1 cannot install the active equipment) through bidding or otherwise. Such IP-1 entities are then demanding exploitative pricing for IBS. Such practice needs to be immediately stopped. This practice is not only allowing the IP-1 operators to illegally utilize the spectrum of the TSPs but is also allowing them to extract huge money from TSPs due to monopolistic RoW rights provided to them by such public entities. At many places such third party IBS providers create low capacity and poor QoS network and do not timely upgrade the network which leads to poor quality of services to the consumers.

5. Therefore, TRAI should leave the IBS installation to the operators and should not propose to create any third-party interfering in their TSPs networks. As far as sharing of IBS is concerned, TSPs has many examples where the shared IBS have been created by them through direct agreement without any need of third party.
6. TRAI should encourage the creating of IBSs directly by TSPs so that unnecessary costs are not loaded to customers.
7. Further, TRAI should direct the public entities i.e. Airport, Metro, Hospitals, Railways etc. under whose control of public places are, to provide the RoW permission for building IBS strictly as per Telecommunication Act, 2023 and the rules thereof. No public entity shall resort to any rent seeking practice.
8. In view of the above, there is no 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 and these facilities/services should be created by TSP only..

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.

RJIL Response:

1. We do not agree with the light touch registration based regulatory framework proposed for regulating the Content Delivery Network (CDN) service providers vide the recommendations dated 18th November 2022.
2. We submit that the legislative intent behind the Telecommunication Act 2023 is to amend and simplify the regulatory oversight and not make it more complicated by bringing even the associated and facilitative utilities under the regulatory framework. The Act has been guided by the principles of Samavesh (Inclusion), Suraksha (Security), Vriddhi (Growth), and Tvarit (Responsiveness), and aims to achieve the vision of Viksit Bharat.

3. These principles are clearly guiding the policy makers away from over-regulation. Further another key element is that when a market driven non licensed activity, which is just a facilitation to carry out a licensed activity, then there is no purpose of regulating the same.
4. **We submit that the CDNs are important components of digital economy and work under mutual agreement with service providers and content providers and should be kept out of the regulatory framework.** These are emerging services that anyways work with licensed service providers and should be permitted to organically grow and flourish in interest of EODB.
5. The Authority, being a conscientious regulator, should keep observing these operations for any signs of market failure and be prepared to step-in as and when required, however, now is not the time.

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, operational, security etc.) of the IXP authorisation? Kindly provide a detailed response with justification.

RJIL Response:

6. As mentioned above, we advocate for a simplified authorization framework, with an endeavor to eliminate the overlap between the scopes of various authorizations to ensure no regulatory arbitrage. **Therefore, we do not agree with the suggestion for a separate authorization for the IXP services and submit that these should be provided only under the scope of ISP authorization.**
7. In previous recommendations, a separate authorization for IXPs was recommended based on the premise that these provide only B2B interconnection services. We respectfully, disagree with the same as even the current ISP license does not segregate the scope of B2B and retail services; this ensures that there is no artificial fragmentation of the license, which would otherwise lead to overlap between the scopes of fragmented licenses and creation of arbitrage opportunities. The activities, such as providing interconnection for Internet Services, is an inherent part of ISP services and must thus be provided only under the scope of ISP authorization.

8. Therefore, **we recommend IXP business be brought under the ISP authorization. IXP services should be subject to same License/authorization Fees as applicable under ISP authorization.**

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.

RJIL Response:

1. We submit that Satellite Earth Station Gateway (SESG or Earth Station) is a vital element of satellite communication networks as it connects the service licensee's network with the satellite to receive and transmit messages in the form of voice, video, or data through single or multiple satellites over feeder link.
2. These ground-based facilities are designed to provide real-time communication with satellites and in some cases also act and serve as command-and-control centers for the satellite network. The Authority had rightly recommended to delink the installation and operation of SESG from license to provide service to retail subscribers. This step will not only help in optimizing the resources by cutting cost for service licensees but will also help in increasing competition by facilitating Indian Industry to become hub for the satellite-based communication services and associated activities.
3. However, there is a need for nuanced differentiation between the spectrum holding service providers and pure-play facility providers due to the different sets of obligations and requirements under the Act.
4. Consequently, the activity of establishing, working, and maintaining SESG, should not include owning and operating radio equipment like Baseband, that will require the assignment of spectrum under section 4 of the Telecommunication Act 2023. Otherwise, the proposed authorized entities cannot be treated just as facility-based network service providers.
5. Therefore, we propose that the SESG authorization should be restricted only to facility-based services which includes setting up Ground stations and offering the same to communication service providers to set-up their baseband as per their assigned frequencies and use the services.

6. This will be akin to a Ground Station as a Service or GSaaS service provider. As per TRAI recommendations on 'Licensing Framework for Establishing Satellite Earth Station Gateway' dated 29.11.2022, these authorized entities will not be assigned any Frequency spectrum (gateway-side spectrum, as well as user terminal side spectrum) and the spectrum will be assigned under Section 4 of the Act to the eligible authorized entities offering space-based communication services.

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.

RJIL Response:

1. No, we do not agree that there is a requirement to provide for a new authorisation for establishing, operating, maintaining or expanding satellite communication network. The satellite communications are essentially access services and should be provided under access services only.
2. We agree with the Authority's observation that the scope of proposed new authorization is analogous to TRAI recommendation on SESG Authorisation, which inter-alia provided for *"the SESG Licensee may provide satellite-based resources to any entity, which holds license/ permission granted by Department of Telecommunications (DoT) or Ministry of Information & Broadcasting (MIB) and is permitted to use satellite media for the provision of services under its license/ permission."*
3. However, we do not agree that there is a need for a new authorization to meet the requirements in DoT letter dated 17.10.2024, on the provision of assignment of spectrum for both feeder link as well as user link under the authorisation for satellite communication network.
4. We submit that spectrum bearing activities can be very well done under proposed Pan India All Telecom Service Authorization ("ASA-India") to enable the Authorized Entity to provide end-to-end telecommunication services, which are permitted under the

Telecommunications Act, 2023, without the need for any other separate authorisation, as proposed in our comments to TRAI CP on **Framework for the Service Authorisations to be Granted Under the Telecommunications Act, 2023**.

5. We submit that there is no need to create a separate authorisation for providing satellite-based communication services, as this violates the legislative intent of simplification and instead proposes to increase the number of authorizations. Further, **the idea of consolidating the authorisation based on the type of media is regressive and does not align with the evolution of technology neutral/platform neutral licensing regime in India. We reiterate that the that authorizations should be segmented only based on the scope of the services and not on technology, media or platform employed.**
6. Furthermore, as submitted in the Preface, there is only scope for one facility-based authorization for satellite-based services i.e. SESG authorization. All other activities discussed in the Consultation would come under the scope of access services.

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.

RJIL Response:

1. We understand the scope of the services covered under the concept of GSaaS includes a facility equipped with antennae, receivers, transmitters, etc., for receiving remote sensing data from satellites and for applications such as telemetry, tracking and command (TT&C). Furthermore, NGP issued by IN-space also envisages these activities to be performed under the scope of authorization granted by IN-SPACE for GSaaS. Furthermore, as mentioned in the Consultation Paper, NGP requires that after obtaining any authorization from IN-SPACE, the Indian entities will obtain the requisite clearance/ approval/ license from the relevant Government departments/ ministries, as applicable and necessary for operationalization of such ground stations.
2. Based on the above understanding, we believe that GSaaS needs be brought under the scope of Authorization under the Section 3(1) of the Indian Telecommunications Act, 2023 as the scope of the services to be performed under GSaaS falls under the definition of Telecommunication Services as defined in the Act. Furthermore, entities

under GSaaS will be providing these services on commercial terms to the customers. Therefore, it is essential that these entities be liable to following same conditions as applicable to Access Service Providers, such as financial conditions, security conditions etc. The eligibility conditions and entry fee for such services may be prescribed as per the scope, which should be restricted to provisioning of only TT&C, MCC and Remote Sensing data reception.

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.

RJIL Response:

1. We do not foresee the need for providing an authorization for cloud-based network services provider. We believe that the 3rd party authorised entities that do not hold any spectrum should not be permitted to offer active infrastructure elements to TSPs on sharable basis due to the reasons highlighted in our opposition DCIP authorization.
2. We agree that NFV (Network Function Virtualization) and SDN (Software Defined Networking) are the enablers for modern 5G SA networks. These technologies facilitate a 5G SA operator to reduce dependencies on physical equipment and also enable network slicing. However, these are intra-network activities at the initial stages that can be facilitative of network sharing going forward. However, for that purpose there is no need of an operator to facilitate network sharing, as the same can anyways be done under mutual arrangements between 5G SA operators.
3. We further submit that while discussion such sharing proposals, the impact of any further sharing on competition in the country should also be analyzed. Such proposals can have the debilitating impact on infrastructure investments with TSPs waiting to piggyback on an established network besides having an impact on spectrum demand in forthcoming auctions, thereby discouraging investment to creation of active infrastructure. Further, it will hinder the sharing TSPs ability to continuously expand as all changes will require concurrence and/or investment by partner.
4. **We submit that these views also include the views of our associated companies involved in offering cloud-based services.**

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.

RJIL Response:

1. The mobile number portability operations in the country are running smoothly with no serious issues being observed, barring a few SLAs related issues once in a while. However, that requires more vigilant monitoring by the Authority rather than any changes in policy.
2. Additionally, as we move forward towards fixed line portability, fixed-mobile portability and IN number portability and other services where MNPSP will directly deal only with TSPs solutions for call routing, there is a need to update the scope of this authorization to include all portability and solutions for other services dealing directly with TSPs in compliance with TRAI Regulations or DoT instructions.
3. We submit that there is no need to change the eligibility conditions, area of operation, validity period of authorisation, 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 and the same can be kept as similar to current licensing regime.

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.

And

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.

RJIL Response:

1. We submit that there is no need to create unnecessary network authorization as the current provisions are sufficient to meet the requirements. As submitted in our comments, the IP-I registration can be the sole authorization for creation of passive infrastructure e.g. **Passive Network Authorization (“PNA-India” or “PNA-LSA”)** under the

section 3 of the Act. The scope of this authorization should remain unchanged from the current IP-1 registration.

2. To avoid any arbitrage of levies, the active network element shall not be allowed to PNA holders. Only the ASA holder (India or LSA) or VNO-ASA (India or LSA), Carrier Service Providers and Other Service Providers (i.e. OS-India Authorisation) shall be allowed to install the active network elements to provide the services as per the scope of their respective licenses.
3. Of the other prevailing registrations, the current registration regime for M2M Service Provider (“M2MSP”) should be continued with simpler / light touch version of the authorization. Similarly, in space segment, only a facility based SESG authorization should be implemented with restrictions to hold any active elements. The Baseband equipment and associated frequencies should be owned and acquired by the service based authorized entity.
4. Therefore, we do not support any onerous terms and conditions of various network authorisations.
5. However, in case it is still decided to introduce a specific authorisation for establishing, operating, maintaining or expanding cloud-hosted telecommunication networks, then these should be subject the same conditions, as applicable to entities authorised under Section 3(1) (a) for performing the activities relating to establishing, operating, maintaining or expanding telecommunication networks, including but not limited to establishing network infrastructure within India, ensuring processing of all data is done in India, data does not flow out of India, ensuring security of the network, installing equipment sourced only from trusted sources, fulfilling financial obligations, such as payment of license fee etc. In summary, principle of same service same rule should apply.

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.

RJIL Response:

As the IP-I and SESG entities are required to be Indian companies duly registered under Companies Act 2013, the schemes of compromises, arrangements and amalgamation of companies under Companies Act, 2013 should be applicable. There is no need to provide any other conditions.

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.

And

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.

RJIL Response:

Migration to new terms should be a choice, not a mandate, for the duration of the license contract. Further, to ensure level playing field, the terms and conditions applicable through the existing registrations and the authorization under the newly enacted Telecommunication Act, 2023 shall always remain same. All proposed simplification and EODB measures should be equally applicable for existing registrations.

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.

RJIL Response:

We reiterate our submissions that in addition to service, network and auxiliary authorizations already suggested in our response to the consultation paper on **“Framework for the Service Authorisations to be Granted Under the Telecommunications Act, 2023”**, there is only scope facility based SESG network authorization.

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.

And

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.

RJIL Response:

1. We submit that in line with the legislative intent of simplification and rationalization of various authorizations across the telecom ecosystem, all passive network authorizations should be consolidated under the Passive Network Authorization (“PNA-India” or “PNA-LSA”).
2. Besides this all-encompassing authorization with a scope akin to IP-I registration, only certain specialised authorizations like SESG, M2MSP and MNPSP should be permitted.

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.

RJIL Response:

We reiterate that the legislative intent behind Telecommunication Act 2023 is of simplification and rationalization and no addition of terms and conditions over the history has ever increased the ease of doing business (EODB).

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.

And

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

RJIL Response:

1. We submit that the distinction between the facility based authorised entities that will be solely involved in establishing, operating, maintaining or expanding the telecommunication networks and the telecommunication services-based entities that will

be offering the telecommunication services to the end users is quite distinct and unambiguous.

2. If this distinction is maintained and unnecessary licensing complications are not created in line with the legislative intent of simplification, then then we do not foresee any possibility of these entities offering substitutable services and the interconnection between these entities can be left to mutual agreements between the entities.
3. As noted by the Authority, the mutual agreement-based interconnection between any two vertically related networks will be mutually profitable and there is no need to intervene or provide publishing a regulator-approved reference interconnection offer (RIO).
4. We submit that if the Authority ensures the simplification as the principal theme of its policy recommendations, there will be no risk of creating horizontally related entities offering substitute services, thereby obviating the risk of foreclosing or marginalizing the opponent's network through high interconnection fees.

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.

And

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.

RJIL Response:

As submitted in the Preface and response to Questions 1, 2, and 3, there is no need to create DCIP authorization. The financial conditions for IP-I authorization under the Telecommunications Act, 2023 should be analogous with respect to the extant IP-I registration, to facilitate more and more participation and entry of small players.

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?

Please provide detailed response with justification.

RJIL Response:

Please refer our response to Question 4..

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).

RJIL Response:

As submitted in our response to Questions 5, CDNs are vital elements of digital economy are not offering any telecommunication services and should be kept out of the purview of authorization regime. IXPs business on the other hand, must be brought within the ISP authorization.

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).

And

28. 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?

And

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.

RJIL Response:

As submitted in our responses to Questions 7, 8 and 9, there is need of only facility based SESG authorization for space-based communication services. Further, we agree with the Authority's previous recommendations that *"as SESG License involves deployment of capital intensive SESG infrastructure, it is expected that only earnest and committed entities will seek such a license. With a view to attracting investment in the SESG segment, it would be desirable that there are no entry barriers for the prospective SESG licensees, and regulatory levies on SESG licensees are kept to the minimum possible"*. Accordingly, no changes are proposed.

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.

RJIL Response: No need for such an authorisation is envisaged.

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.

And

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.

RJIL Response: No changes are proposed.

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.

RJIL Response:

1. Section 3(6)(a) of the Act clearly provides that entities with a definite validity period in their license, registration, or permission are entitled to continue operating under those terms and conditions or migrate to the terms of the relevant authorization as prescribed. Migration to new terms should be a choice, not a mandate, for the duration of the license contract.
2. We submit that the Authority should incentivize the migration through a more inclusive approach in new regime with no additional or onerous financial conditions.
3. The migration should be based on simple application-based procedure and no onerous conditions be imposed during such migration. Furthermore, there should be no coercive migration and the Authorizations that are not time-bound should not be forced to migrate.

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.

RJIL Response: Not Applicable in view of above submissions.

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.

RJIL Response: No additional conditions beyond the provisions under the Companies Act are proposed.

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.

RJIL Response: Not Applicable in view of above submissions.

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

RJIL Response: None