

Date: 5<sup>th</sup> August 2024

To,

**Shri Akhilesh Kumar Trivedi**

**Advisor (Networks, Spectrum and Licensing)**

**Telecom Regulatory Authority of India**

New Delhi

**Sub: Response to Consultation Paper on the Framework for Service Authorisations to be Granted Under the Telecommunications Act, 2023**

Dear Sir,

This is in reference to the Consultation Paper on the captioned subject, which also covers some questions brought up by the Authority in their earlier consultations including one on “Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India”. SITA also actively participate in the same and shared its view in detail with the Authority.

Since some of the questions are common in this consultation as well, we wish to submit our response to the same again along with comments on few other questions raised in this Consultation Paper.

We thank you for your consideration,

Yours sincerely,

For **SITA Information Networking Computing (India) Private Limited**



**Rajesh Ballal**

**Director, Regulatory Affairs, (APAC & MEA Region)**

## Response to Q1 to Q4

### SITA's Response:

SITA is of the view that the licensing regime by whatever name called should be made friendly and easy for existing and new operators to transaction. With the advancement of technology and DOT adopting digitalization to great extent, even licensing process should be made completely digitalized. The entire process should be streamlined to ensure that licenses are granted/renewed in the shortest possible time via Saral Sanchar Portal. Moreover, when an existing operator requires additional license, it should be simplified further and introduced under automatic approval route.

We would recommend that the basic authorization process be adopted, where the key aspect of the authorization be only mentioned on it. Things like name of operator, license No, type of license, scope of service, date of issue and expiration of license. The template of this authorisation may be made common for all licensees. The other license conditions to be published on DOT's website and be amended thereafter at DOT's website with necessary intimation to all concerned licensees. Necessary acknowledgement of the amendment may be submitted back by license holders on the same portal.

## Response to Q5 & Q6

### SITA's Response:

SITA would like to propose PAN India authorization of all licenses without any increased burden of entry fee and such other related entry barriers. Spectrum allocation may continue as per existing laid down practices.

## Response to Q7 to Q10

### SITA's Response:

SITA would like to advocate for inclusion of leased circuits/ Virtual Private Networks under the ISP authorisation. All data service should be permitted to be under one license, as done in many other matured markets. The regulations should be technology agnostic and there is no need for introduction of additional conditions on the licensees. ISP, ILD, NLD, Resale of IPLC etc. i.e. data segment services may all brought under a single umbrella authorisation.

## Response to Q19 & Q20

### SITA's Response:

SITA would like to support permitting multi-parenting by VNO with multiple NSOs. This would allow free play to VNOs to choose the desired NSO for each requirement based on service capability, pricing, desired technology etc. for each requirement. This is specially applicable

when dealing in B2B segment. VNOs would not be locked with single NSO and thereby can consider the most efficient NSO for each case, thereby allowing greater flexibility. This way the VNOs can stay competitive in the market and offer best services to their end users. There are many instances where end user may demand connectivity with multiple operators having different gateway points to allow better redundancy.

## Response to Q24 (a)

### SITA's Response:

SITA has in past participate in the consultation process involving this matter in greater detail. We would like the Authority to also consider our earlier comments which SITA has shared in greater detail. The aspect of licensing too was articulated in detail in our earlier comments.

Principal of same service same rule should also be duly considered, as the service given by Airport Authority of India (AAI) and CSP are similar in nature. Both provide service to the same ends user and niche Aviation Industry segment with only difference being that AAI caters to the voice segment, while CSP cater to the Data Communication.

Its important to note the service in question here is falling under the category of **Non-Public and Non-Captive**, which has not really been carved out well under the present licensing framework. Its also important to note that the services offered by CSP like SITA are primarily to enable delivery of communication for safety and efficiency of the Airlines. The airlines rely heavily on these services for various safety related features required for safe travel in the entire journey from take-off to landing of the aircraft. The requirement for airlines to deploy Aircraft Communication Addressing and Reporting System (ACARS) have been prescribed by Directorate General of the Civil Aviation ("DGCA").

While voice communications offered by Airport Authority of India are essential, data communications are also a norm for routine communications and eliminate potential issues arising from interpretation, speaking accent, missing voice packet etc. The ACARS data communications are generally accepted to be far more reliable than the voice communication, thus having voice and data communication will be complimenting and critical for the safety related and other essential features provided to the Airlines.

SITA would therefore suggest TRAI to consider recommending light touch authorization regime as followed globally for similar service offered by Communication Service Providers to the Air Transport Industry. The current authorisation of issuance of Wireless Operating License (WOL) too can be continued with necessary facilitating provisions.

## Nature of allocation of License: Auction Vs. Administrative allocation

SITA has not seen the VHF range frequency being auction anywhere in the world and there is a reason for the same; Regulators have understood the critical nature of services that this frequency being used by the Communication Service Providers (CSPs).



It's also imperative to note that Section 4 sub section 4 of The Telecommunications Act 2023 has empowered Central Government to allocate frequency on the administrative process for entities falling under First Schedule. Wherein "Administrative Process" has been defined as assignment of frequency without holding an auction. Further Point 6 of the first Schedule covers as below.

"Safety and operation of roads, railways, metro, regional rail, inland waterways, **airports**, ports, pipelines, shipping, and **other transport systems**."

The above section in the Telecommunication Act 2023 have been drafted keeping in view the safety aspects into consideration, which is paramount in the service ACARS service given by the CSPs to the Airlines and Airports across India.

Additionally as per "**best practice recommendation**" of GSMA in their report published in Sep 2021 (Auction Best Practice GSMA Public Policy Position), Auction should only be considered when the demand for spectrum – both in terms of the number of applicants and how much spectrum they each want – exceeds the amount of spectrum on offer'. Auction-Best-Practice.pdf (gsma.com)

Presently the service offered by SITA and AAI are similar in nature, except that AAI caters to the voice communication and Communication Service Providers cater to the Data Communication using VHF band. The services offered by AAI and Communication Service providers are both non-public and non-captive in nature. It's important to note that its just not feasible technically, for Airlines to take their respective license and deploy the stations across the different airports that they fly to. These services have been offered by independent Communication Service Providers like SITA.

### **ICAO Chicago Convention**

Its also important to note the International Telecommunication Union (ITU) Radio Regulation and Annex10, Vol V to the Convention on International Civil Aviation (ICAO Chicago Convention). Its position on *Airport and similar charges*:

*"Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be **open under uniform conditions** to the aircraft of all the other contracting States. The like **uniform conditions shall apply** to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation."*

India is one of the signatories to the convention and needs to honour its commitment to the same. Thus, the charges levied to all stakeholders including AAI, should be done under uniform condition to all stakeholders.



We would urge TRAI to take into account the above and our detailed submission made earlier on the specific consultation 14 of 2022, while submitting its recommendations to DOT on the authorisation requirement for CSP in the niche space of Air Transport Industry.