ASSOCIATION OF COMPETITIVE TELECOM OPERATORS
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Mahanagar Door Sanchar Bhawan,
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New Delhi-110002

Ref: **ACTO's Response to TRAI's Consultation Paper dated December 23, 2022 on Licensing Framework and Regulatory Mechanism for Submarine Cable Landing in India and Counter Response**

Dear Sir,

Association of Competitive Telecom Operators (ACTO) is pleased to submit its response to TRAI *Consultation Paper on Licensing Framework and Regulatory Mechanism for Submarine Cable Landing in India* and counter response.

We hope that our comments (enclosed as Annexure - I) will merit consideration of the Hon'ble Authority.

Thanking you,
Respectfully submitted

Yours sincerely,
for **Association of Competitive Telecom Operators**

Tapan K. Patra
Director

Encl: As above

Annexure-I
ACTO's comments on TRAI's Consultation Paper on Licensing Framework and Regulatory Mechanism for Submarine Cable Landing in India

ACTO's response to the specific questions raised in the consultation paper:

Q.1 What limitations are being posed by existing licensing and regulatory provisions for laying submarine cables and setting up of CLS in India? Please answer with the detailed justification for changes required, if any.

ACTO's response:

In our view, the existing regime, for permitting laying submarine cables and setting up CLS in India is very cumbersome and time consuming. Due to this the lead time for commissioning of any submarine cable system in India from planning to commissioning is about four years or more. We suggest following steps to be taken to rectify the situation:

- Single window clearance for submarine cable systems and /or CLS setting up
- Defined TAT for clearance of the projects
- Web based portal for making application and to track progress of approval by various Authorities
- The eligible IITEs viz ISPs/ILDOs seeking access of dark international fiber pair in approved submarine cable system should have simplified approval process wherein it would be required to have approval only for security monitoring system at its PoP where it wants to light up the dark fibre. Such PoP need not be treated as CLS but only as a PoP simpliciter.

Q.2 Which of the conditions, as stated in Para 2.10 be made applicable on the ILD licensee for applying permission /security clearance for laying and maintaining the submarine cable and setting up CLS in India? Please answer with the detailed justification.

ACTO's response:

We support the ILDs be allowed permission/ security clearance for laying and maintaining the submarine cable if it meets either of the conditions (i) or (ii) as stated in Para 2.10.

> *(i) ILDOs should have X% or greater interest in the submarine cable system for laying cable in the Indian territorial waters, terminating the international cable and should also own or control the Cable Landing Station in India.*
>
> *(ii) ILDOs not having any stake in consortium but signing agreement of ownership of submarine cable in Indian waters and submitting undertaking that they are owning the asset in Indian territorial waters along with control and ownership of CLS.*

This will encourage landing ILDOs to facilitate sale of dark fibres on the submarine cable system to other eligible IITEs. Mandating a stake as a precondition for ILDO/ISP to become a landing party for a submarine cable system means we are introducing entry barrier for the eligible IITEs who want land cable systems in India.

There is also a trend globally wherein such kind of requirements are not being imposed upon landing station parties for landing of submarine cable systems.

Q.5 What measures should be undertaken for promoting Domestic submarine cables for connecting coastal cities in India? What limitations are being posed by existing licensing and regulatory provisions for laying domestic submarine cables in India? What are the changes required in the existing licensing and regulatory framework? Please answer in detail with the supporting document, if any.

ACTO's response:

Existing licensing & regulatory provisions limits the ILDOs to (who have NLD licenses too) use fibers pair in existing cable systems for domestic traffic within the same cable landing station and extend to other part of country. The policies around Security Monitoring, domestic traffic traversing in international waters (leaving and coming back to country) and non-availability of Indian flag ship for any repair requirements are limiting the laying of domestic subsea cable systems in India.

Policy should be made to allow laying of domestic subsea cables and developing this infrastructure across the country's coastline as existing licensing and regulatory provisions does not exclusively cover such cable network and infrastructure. Some of the recommendations are provided below for the same.

- ILDOs/NLDOs should be encouraged to use existing CLS/BMH infrastructure to dedicate a few fibers only for domestic traffic in existing/upcoming cable systems. A different Domestic CLS should not be mandated, instead a physical separation of terminating equipment for domestic and International traffic should be maintained.
- With an objective to increase the utilization and viability of these domestic subsea cables connecting coastal cities to the global Submarine map, interconnection to international cable system should be allowed
- Regulation with respect to the provision of ensuring domestic traffic originating and terminating within India, without going out of country boundaries should be simplified and many times these domestic cables would traverse beyond Indian Nautical waters.

Telecom operators should have the freedom to lay fiber under water as well and be permitted to use the same cable infrastructure for domestic and international connectivity under their respective license agreements.

There should be enabling licensing provisions/clarity for NLDO/ISPs for creating an Indian undersea submarine cable network for domestic traffic and both networks (land and undersea) should be permitted to connect with each other. Since such a network will be created within Indian territory/territorial waters, there should be no requirement of lawful interception for domestic traffic. Furthermore, such a network/connectivity should only be used for carrying domestic traffic.

The creation of a coastal corridor could also be explored as a possibility since most coastal towns may not consume a lot of bandwidth due to the lack of data centres and a content market. This should be supplemented with a defined multi-path NLD corridor to backhaul traffic to the major metro cities with facilitation provided for all necessary clearances / rights of way.

Presently, undersea cables are landing in various cable landing stations in the five cities of Mumbai, Chennai, Cochin, Tuticorin and Trivandrum. Operators, however, are thinking of diversifying the locations of their CLS, which could mean many more CLSs landing in other Indian coastal cities.

Out of all the major coastal cities, Mumbai and Chennai serve as the two largest data consumption points in India. This necessitates that the NLD network between these two locations be stable. However, since all the NLDOs have built redundant NLD networks between these locations, the terrestrial networks are subject to many cuts, which has led to network switching, flaps and a deterioration in performance and outages.

There are international cables, either currently deployed or part of a future deployment plan, and such cables can easily be extended to Indian coastal towns with an incremental investment. For example, a Singapore to Europe cable landing in India, say in Chennai or Mumbai, can be looked at from the perspective of extension to other coastal areas in India on the east or west coast. This will not only help in bringing in cost efficiencies, but also provide a resilient alternate route for domestic traffic.

Therefore, domestic traffic may be allowed on cables, which are part of or merge with an international cable, including cables in international waters beyond the Indian EEZ. Such an infrastructure will provide reliable and resilient connectivity for domestic traffic. Such a route will also be a reliable alternative to the terrestrial network from the perspective of a long-term stable network.

This may be permitted to an entity holding ILD and NLD/ISP licenses as well as owning the Cable Landing Station. Wavelength level splitting can be done to segregate NLD and ILD traffic and all provisions pertaining to international cables like LIM, etc. which fall under the ambit of the ILD License should be applied for both domestic and international traffic.

Q.6 Are any limitations being envisaged in respect of getting permissions and/or associated charges/ fee for laying domestic submarine cable and its Cable Landing Station? What are the suggested measures to overcome limitations, if any?

ACTO's response:

Currently, there are no present specific guidelines for building and operating domestic submarine cables in India. It is suggested that domestic submarine cable should to be laid by consortium with interested NLDOs/ILDOs participation in that with ownership stakes. Existing ILDOs may be allowed to use their existing infrastructure of CLS/BMH to build these domestic cables and carrying only domestic traffic.

This will promote a level playing field and existing operators can integrate this subsea route with their domestic terrestrial routes to ensure overall resiliency in existing networks (which continue to suffer due to multiple fiber cuts within the country). There should not be need of any Security monitoring requirement for domestic traffic and AFA /RIO charges should not be applicable in the case if the CLS belongs to another ILDO/NLDOs for another NLDO looking to access capacity on this domestic subsea cable system.

Q.8 What challenges are being posed by existing telecom licensing and /or any other framework for establishing terrestrial connectivity between different CLSs in India? What are possible solutions to such challenges? Please support your answer with detailed justification.

ACTO's response:

We don't foresee any challenges posed by existing telecom licensees in connecting terrestrial links between the Cable Stations and/or their designated MMRs. As per AFA/RIO regulations, capacity of every cable system is accessible via MMR of the cable system, which can be extended via terrestrial link to any other Cable system MMR in the country to interconnect these capacities. There is no common platform currently enabled by TRAI to address any concerns by ILDOs related to this access in MMRs, though frameworks states that this access should be provided on non-discriminatory manner by each Cable System owner.

In addition, while there is a framework in place to connect multiple subsea cable capacities via domestic links from their MMRs, there is no policy framework in place promoting direct connection between multiple cable CLSs at SLTE level (before capacity landing), which may enable quick restoration options of capacities between cable systems in case of the failures.

Q.9 In comparison with other leading countries, what further measures must be undertaken in India for promoting investment to bring submarine cable in India? Please answer in detail with the supporting documents, if any.

ACTO's response:

The proposed CP has expansive and varied options to consider for the promotion of investment in submarine cable systems. Below are the salient points which can be referred as a synopsis of suggested improvements: -

1. Easing the permitting and related clearance for subsea landings and repairs for ILDOs and ensuring proliferation of Submarine Cable Systems and CLSs by active participation of ILDOs/ISPs by not imposing any entry barriers.
2. Development of diversified cable landing points to avoid a single point of failure as evident in western coast.
3. Aligning of Govt. strategies to promote industrial growth in other coasts of India, especially on Domestic Subsea Cables.
4. Creation of Cable protection zones and Safe Corridors along the sub-sea routes to restrict high-risk activities by other sea-bed users to minimize damage to the cable systems.

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