

Introduction:

1.0 The following may kindly be noted please:

1.1. Provisioning of small cells is analogous to 'last mile problem' faced by any service provider.

1.2. A few significant keywords have been picked up from CP around which the same has been wound round:

1.2.1 **Staes**-occurring '28' times in the CP.

1.2.2 **Street**-occurring '160' times in the CP.

1.2.3 **Aerial Fiber**- occurring '19' times in the CP.

1.2.4 **RWA**-occurring only '2' times in the CP.

1.2.5 **Exemptions**-occurring '10' times in the CP.

2.0 **ANNEXURE-I** of CP outlines Small cell International Experience:

2.1 USA, EU, Australia, Hong Kong.

2.1.1 The following is extracted from USA Experience:

2.1.1.a "As per the 2021 state legislation, more than 30 state legislatures have enacted small cell legislation that streamlines regulations to facilitate the deployment of 5G small cells. These **laws take into consideration the unique circumstances of their state and local environment**, but baseline principles can be established and are consistent with wireless industry standards, including: Streamlined applications to access public rights of way. Caps on costs and fees. Streamlined timelines for the consideration and processing of cell siting applications."

2.1.1.b The following is extracted from Australia Experience:

(i) "When the small cell is to be used for mobile services, they must notify owners and occupiers before they install."

(ii) "As per the Australian Communications and Media Authority (ACMA), Telcos would install and maintain small cells and they don't need a local council or other government to approve their work. But telcos must follow the Mobile Phone Base Station Deployment Code(C564:2020) if the small cell is to be used for mobile services."

3. In case of Aerial fiber the 'x' of FTTx has not been defined.

4. The nature of RWA has not been defined.

ISSUES FOR CONSULTATION

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.

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.

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

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.

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

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.

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

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?

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.

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?

Q.13: Is there a need for a specific mechanism for collaboration among local bodies /agencies for deployment of small cells and aerial 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?

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 70 responsibilities, approval process, levies of fees/penalties, access rules etc.

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?

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

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

Ans. Q.1 to Q.17:No specific answer to these questions.

However the following is submitted for kind consideration.

1.Kindly refer para 1.1,2.1.1.a of Introduction:

The present legal frame work^{3,4,5} appears to be quite adequate for provisioning of small cells.. There is no need for any special dispensation for the same in legal frame work. Appropriate authorities for the purpose need to be expedited by states as per rules by taking **“into consideration the unique circumstances of their state and local environment”**.

2.Kindly refer paras 1.2.1,1.2.2,1.2.3,1.2.4 & 2.1.1.b(i) of Introduction:

Appropriate authorities referred in para 1. above **“(i)When the small cell is to be used for mobile services, they must notify owners and occupiers before they install.”**.

3.Kindly refer 1.2.3 & 3 of Introduction:

The ‘x’ of FTTx must be declared before rolling out Ariel Fiber for small cells.

4.Kindly refer 1.2.4 & 4 of Introduction:

It may please be noted that all RWAs’ are not identical in nature from the perspective of Legal Frame Work. As some may be unregistered, some may be registered but all those may not be under same law. Besides Telecom & Media issue of right of way for various types of service providers like water, electricity, sewerage pipes, street light etc also exist. Legal frame work of a RWA & legal framework of intended facility may not be in conflict. The convenience of residents must also be kept in view. For example some space being used normally for a certain facility may be made available to some service provider for a different purpose. Sometimes this may cause a permanent loss of the initial facility.

