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Dr. J.S. Sarma  
Chairman, TRAI  
Mahanagar Doorsanchar Bhawan  
Jawahar Lal Nehru Marg  
New Delhi – 110002  
India

Email: advmn@traigov.in, traigm@gmail.com  
Fax: +91-11-2321 2014, +91-11-2321 3294

### **Response to TRAI Consultation on Overall Spectrum Management and Review of License Terms and Conditions**

Dr. Sarma,

The Alliance for Passenger Connectivity (APC) writes on behalf of its member companies in response to the TRAI's consultation on "Overall Spectrum Management and Review of License Terms and Conditions". The APC would like to thank the TRAI for the opportunity for it to raise its concern with the regulation of satellite services in India. Our members provide In-Flight Entertainment and Connectivity (IFEC) systems to airlines globally and these systems rely on the use of satellite technologies for backhaul purposes. Our submission takes advantage of the opportunity to comment on "other issues" than are outlined in the TRAI's consultation document.

First, we congratulate the TRAI in its forward-looking stance in seeking the views of industry. Indian telecommunications regulation has undergone significant changes to address the convergence of technologies. This has facilitated a noteworthy improvement in telecommunications-related development and access to services for all, particularly in areas previously underserved.

At the same time, industries concerned with regulation of satellite services, including the APC, believe there is more work to do in India to remove barriers to the introduction of innovative services and technologies that enable users to stay connected, whether on the ground or in the skies. Systems that use satellite backhaul to enable internet and mobile phone use safely on aircraft are now in use globally. However, our members have faced the prospect of heavy cost and operational barriers, mandated by current regulation, that restrict their ability to offer these technologies on flights over Indian territory. As a result, we have not been able to bring the full benefit of this industry – an industry which is forecasted to grow to US\$2.72 billion by 2012 (Frost & Sullivan) – to Indian consumers and companies.

The technologies used by this industry have been addressed by international and regional regulatory initiatives by the ITU, CEPT and APT, resulting in recommendations and standards applicable to Aircraft Earth Stations and to GSM on Board Aircraft (also known as Mobile Communications on Aircraft, MCA) technologies. Policies at the national level have also facilitated their use in all regions of the world. Extensive technical study established technical parameters for safe operation, and principles common to international aviation and



radiocommunications treaties providing for mutual recognition enabled their right to cross borders seamlessly in flight. As a result, many countries have exempted these systems from licensing or have applied the minimum regulatory requirements to them.

To advance the promise these systems offer to India, and to ensure its consumers have the same access as others currently using such technologies, the APC encourages the Indian government to consider the following aspects of its current regulation:

- Reducing the burden of lawful intercept requirements that require major investments in physical gateway infrastructure in country
- Permitting the establishment of “virtual gateways” outside India that still permit access by Indian authorities
- Streamlining the multiplicity of agencies with authority for regulation of various system aspects, through which operators have difficulty negotiating process
- Reducing any remaining restrictions on use of internationally-provided capacity for international services

These issues should be considered in view of the unique nature of IFEC connectivity services, which operate essentially in closed user groups at altitude while aircraft are in flight and traversing the borders of multiple countries. They should also be considered in view of the principle of mutual recognition, enshrined in the Chicago Convention, suggesting that foreign-registered aircraft which may traverse Indian airspace should not be subject to the same controls by Indian authorities as domestic-registered aircraft.

Addressing these issues, with particular emphasis on the first two points above, would lighten the regulatory burdens on providers of innovative technologies such as those APC members provide, thus enabling roll-out of systems that could benefit Indian consumers and companies.

The APC thanks you for your consideration and remains ready to engage in further discussion on any of these issues.

Sincerely,

James Cemmell  
Secretariat, Alliance for Passenger Connectivity

**About the Alliance for Passenger Connectivity [www.stay-connected.org/](http://www.stay-connected.org/)**

The Alliance for Passenger Connectivity (APC) is a coalition of companies dedicated to enabling passengers and crew on board aircraft to stay connected while in flight. The Alliance recognizes that travelers increasingly want the same availability of communications technologies they enjoy on the ground to travel with them to the skies. We build, integrate, and offer tested connectivity solutions – so



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www.stay-connected.org  
info@stay-connected.org

business travelers can remain productive, families and friends can remain in touch, and airlines can operate safely with today's consumer-demanded technologies.