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RE: Counter-Comments on the Consultation Paper on Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023

Kuiper Systems LLC (**Kuiper**), a wholly owned subsidiary of Amazon.com Services LLC (together, **Amazon**), has had the opportunity to review the comments submitted by various stakeholders on the Consultation Paper on Terms and Conditions of Network Authorisations to be Granted Under the Telecommunications Act, 2023 ("**Consultation Paper**") and offers further comments for consideration by the TRAI.

Amazon supports the efforts of the TRAI to implement the provisions of the Telecommunications Act, 2023, including through terms and conditions of Network Authorisations. Amazon respectfully encourages the TRAI to adopt regulations that enable efficiency in deployment of new communications technologies, promote ease of business, and achieve harmony with other existing and developing regulations. To that end, Amazon believes permitting Satellite Earth Station Gateways ("**SESG**") authorization-holders to work with satellite operators and the entities holding appropriate service licenses from the Department of Telecommunications ("**DoT**") ("**Service Licensees**") will provide beneficial flexibility for both satellite operators and license holders. Additionally, Amazon encourages the TRAI to develop merger guidelines in the future, to ensure a consistent approach between service and network authorisations. The TRAI could also ensure consistency and equity in the migration to the new regulatory framework by affirming entities providing the same services are regulated in a similar manner.

In addition, Amazon submits the following specific counter-comments for consideration by the TRAI.

A. SESG providers should be allowed to deploy baseband for the NGSO operators / Indian entities with frequency assignments.

Amazon reiterates that to facilitate the ability of satellite operators to offer services to Service Licenses, the SESG authorisation framework should enable operating SESGs, after entering into arrangements with a satellite operator/its Indian entity that either holds a Service License or SESG License. As recommended by the TRAI - and pointed out by several commenters to this Consultation Paper - spectrum should be held by the Service Licensee and not by the SESG provider. This would enable SESG providers to provide a

“Bring Your Own Spectrum” model, where the Service Licensee holding the spectrum engages SESG providers and enables them to utilize the spectrum.

While certain commenters argued that SESG providers should not be allowed to deploy baseband, Amazon reiterates that since baseband is an integral component of the earth station infrastructure, an enabling regulatory framework for the same should be adopted to facilitate rapid and efficient deployment of baseband equipment while ensuring NGSO operators maintain oversight over baseband equipment. Such an approach also will allow NGSO operators to provide satellite services in MHz or Mbps depending on the business model the SESG providers wish to adopt.

B. It would be prudent for the TRAI to wait for the authorisation framework for telecommunication networks to be finalized before prescribing merger guidelines.

While certain commenters submitted detailed comments regarding the framework for the merger of network authorisation holders, Amazon re-iterates that it would be prudent for the TRAI to adopt a consistent approach between service and network authorisations while considering merger guidelines. As flagged in our comments to this Consultation Paper, Amazon submits that it may be more feasible for the TRAI to develop terms and conditions for mergers and other forms of restructuring, as appropriate, once an authorisation framework for telecommunication networks is put in place and the scope of various network authorisations is determined. This may assist the TRAI in considering the appropriate merger framework based on the nature of the obligations and the scope of network authorisation entities.

C. The migration framework should be voluntary and ensure that existing service providers are not disadvantaged.

Several commenters suggested that the migration to the new regime should be voluntary and in line with the provisions of the Telecommunications Act, 2023, as this would ensure fairness and equity. Amazon welcomes these suggestions since it would be consistent with Section 4(6) of the Telecommunications Act, 2023.

As explained in our comments, the migration framework for any proposed network authorisations should ensure that there is no disruption to the business of entities providing services under the current regime. This may be done by adopting a principle of "no worse off" such that if relaxations are provided under the new framework in relation to fees and terms and conditions, similar relaxations are provided to licensees under the extant licensing framework.

With respect to fees, Amazon reiterates that to the extent the fees are lower under the new regulatory framework compared to the existing framework, such fees should be waived or pro-rated. Further, the application processing fee should be limited to cover any administrative costs for processing the application.