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**Re: USIBC Comments on TRAI Consultation Paper on In Flight Connectivity**

Dear Shri Abbas,

The US-India Business Council (USIBC) applauds the Telecommunications Regulatory Authority of India (TRAI) for its commitment to light-touch regulation and pro-growth digital policies embodied by the Prime Minister's *Digital India* vision. Representing approximately 350 Indian, U.S. and global companies, USIBC remains committed to a growing, prosperous India. Our members are significant investors, manufacturers, exporters and employers across India's diverse economy, and are critical drivers of India's digital transformation. The USIBC Digital Economy Committee alone includes more than 100 companies, including 10 of the top 20 Indian information technology (IT) leaders, as well as large, small and entrepreneurial global and American enterprises from the telecommunications, equipment manufacturing, e-commerce, media & entertainment, fintech, and cybersecurity sectors. Our Defense and Aerospace Committee add another 30 companies focused on the aviation business. When combined, USIBC has identified some 40 members specifically interested in satellite and aviation communications issues.

Given the tremendous impact that satellite communications can play in fulfilling the goals of *Digital India*, USIBC strongly supports and advocates for the introduction of inflight communications services (IFC) as an element of ubiquitous coverage and high-speed access to the Internet for all Indians and enterprises. **The introduction of IFC will add significantly to the objectives of the *Digital India* and *Make-in-India* initiatives— increased investment, higher economic productivity and innovation through the digital transformation of Indian society.**

The USIBC mission promotes U.S.-India commercial ties and the socio-economic well-being of its citizens. Since several USIBC members are responding directly to this consultation with detailed technical information about best practices, the USIBC submission offers high level principles and socio-economic benefits around light-touch regulation, existing international practices, non-discriminatory treatment for airlines and service

providers, and the need to balance national security concerns with the economic potential and enhanced consumer experience.

On the issue of IFC, USIBC believes India should adhere to international practices that rely primarily on an aircraft's home nation license as the best way to facilitate the introduction of IFC services in India. To this end, the following principles that apply to this consultation should be embedded in TRAI's recommendations.

- **The IFC aviation segment is robust, global and technically mature.** India is one of the final countries to permit IFC over its airspace, and as a result, international technical standards, best-practices regulation, and business practices are relatively mature. Any Indian regulation should comport to existing practices to ensure a smooth and rapid introduction of this valuable segment.
- **International aviation legal principles and best-practices focus on home-nation registration.** Each nation is responsible for a broad set of technical, safety and communications responsibilities where radio operations and services onboard the aircraft are licensed by the home nation. *There is no need to “re-license” equipment or services onboard a foreign-registered aircraft; nor should TRAI “reach into” the foreign-registered aircraft cabin to apply Indian law or policy to IFC services provided onboard.*
- **USIBC cautions against heavily regulating this segment.** But should the Government of India (GOI) opt for regulations, it should be limited, light-touch licensing especially for the satellite link used on foreign-registered aircraft to prevent interference to other licensed services in India.
- **TRAI and the GOI should defer to international legal principles.** The principal international bodies that oversee this segment are the International Telecommunication Union (ITU) and The Convention on International Civil Aviation (also known as the “Chicago Convention”). Specifically, Article 18.1 of the ITU Radio Regulations states that radio transmitting stations are to be licensed by “the country to which the station in question is subject.” Subsequent articles in the ITU Radio Regulations clearly identify that country to be the country of registration of the aircraft (reference to articles 18.8 and 18.11). Further, Chicago Convention, Article 30 provides that “(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.”

- **For Indian-registered aircrafts, TRAI has clear authority to regulate all aspect of IFC services, including equipment and service licensing.** As broadband communications is now a critical element of flight services, USIBC emphasizes that TRAI not adopt any requirements that place Indian airlines at a competitive disadvantage vis-à-vis other airlines that offer IFC services. Regulators, service providers and operators globally must work towards creating flexible and universal standards for the aircraft being served. Further, given the commercial and quotidian nature of the service, USIBC recommends that TRAI not impose undue requirements on Indian-registered aircraft.
- **For Foreign-registered aircrafts, there is no need to license IFC equipment as this is the responsibility of the registering nation.**

USIBC and our members hope that our comments will be given timely and sympathetic consideration. We welcome an opportunity to meet with you at your convenience, and will be happy to provide you with any further information or clarification in relation to the issues discussed in this representation. In the meantime, please do not hesitate to contact me or my staff: Jay Gullish, [jgullish@usibc.com](mailto:jgullish@usibc.com), in Washington, D.C., Abhishek Kishore, [akishore@usibc.com](mailto:akishore@usibc.com), in New Delhi. Once again, I would like to personally thank you for your leadership, and the Council and its members hope to discuss these recommendations at your convenience.

Sincerely,



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