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Telecom Regulatory Authority of India

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Tel. No.:011-23230404

Fax: 011-23220209

E-mail: traig09@bol.net.in

Website: www.traigov.in

TRAI releases the draft regulation mandating the non-discriminatory, fair and open access at the cable landing stations for consultation

New Delhi, 13 April, 2007- Telecom Regulatory Authority of India (TRAI) released Consultation Paper - **“Access to Essential Facilities (including Landing Facilities for Submarine Cables) at Cable Landing Stations”** along-with **draft regulation** which mandates the non-discriminatory, fair and open access at the cable landing stations. Accordingly, owners of Cable Landing Stations will have to publish the “Cable Landing Station – Reference Interconnect Offer” after approval by TRAI. Cable Landing Station - Reference Interconnect Offer shall contain the terms and conditions for access facilitation, charges and time limit for various activities in such facilitation including the provisions for co-location facility. Proposed regulation would enable the timely provision of International bandwidth connectivity at cable landing stations in a fair, equitable, transparent and non discriminatory manner to International Telecommunication Entities i.e. International Long Distance Operators (ILDOS) and Internet Service Providers (ISPs) with International Gateway permission.

A number of submarine cables are landing or terminating in India. These submarine cables terminate at cable landing stations operated and managed by few ILDOs. As such the facilities are predominantly owned by only few ILDOs. TRAI believes that access to these cable landing stations by other licensees is necessary for creating a conducive environment and boosting competition in the international bandwidth connectivity / leased circuits segment.

Access to submarine Cable Landing Stations (CLS) is considered an essential input for many telecom services needing international connectivity. Any access barriers to such facility can constrain the competitiveness of telecom operators and become detrimental to healthy growth of international telecom market. Thus for the CLS, which are considered to be essential and critical telecom facilities, it needs to be ensured that any restriction on such facilities should not become a ‘bottleneck’ to international telecom service provision. Accordingly, TRAI had made recommendations to the Department of Telecommunications on “Measures to promote competition in International Private Leased Circuits (IPLC) in India” in

December, 2005. The recommendation was accepted by the Department of Telecommunications. The licensor has also amended the relevant clauses in International Long Distance (ILD) Service Licence to ensure efficient, transparent and non-discriminatory access facilities for submarine cables at Cable Landing Stations (CLS).

The Authority felt that there is a need for standard/published access facilitation agreement, which the new service providers can make use of for availing of access to international submarine cable capacity. In the absence of such regulation, there is a scope for delay, in provisioning of access to the capacity acquired by the competing operators, from incumbent ILDO and other ILDOs with Significant Market Power (SMP) who own cable landing stations. Problems are being faced by operators, who have acquired capacity in a submarine cable system from foreign carriers or International Telecom carriers, wishing to access such capacity at the cable landing station of an existing operator. **Therefore, the proposed regulation provides for:**

- (a) New operators have access to the capacity in the same way as the consortium members;**
- (b) Activated capacity is not unduly delayed by consortium members having control over CLS;**
- (c) Charges are transparent and non-discriminatory to both consortium members and non-members;**
- (d) Restoration and maintenance services;**
- (e) Well defined responsibilities in terms of functioning;**
- (f) Transparent charges for Access, Co-location and Landing Facility;**
- (g) Time limit for provision of Access, Co-location and Landing Facility.**

International leased circuits are used by exporters, BPO units/ Call centers, banks, small and medium enterprises (SMEs), ISPs and other information technology enabled service providers. In addition, ILDOs also require international bandwidth connectivity for carrying international voice calls. **The proposed regulation would enable:**

- bandwidth to end consumers at competitive rates;**
- strong competition and therefore reduction in the price of international private leased circuits (IPLCs);**
- International bandwidth at competitive price to ISPs for rapid growth of Broadband Service;**
- opportunity to ILDOs to get International bandwidth at competitive prices on a range of diversified submarine cables;**

- **voice/data carriage at a competitive cost**
- **opportunity to ILDOs to install their own submarine cables.**

The consultation paper (along with draft regulation) is available on TRAI's website: (