



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



No.R-3/5/(4)/2021-BBPA

Dated: 25th July, 2022

To

The Secretary,
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi-110001.

Subject: TRAI's response to back-reference dated 28th June, 2022 received from Department of Telecommunications on TRAI's Recommendations dated 31st August, 2021 on 'Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed' - reg.

Reference : DoT's letter No.AS-15/3/2021-AS-V-Part-I dated 28.06.2022

This is in reference to the above mentioned letter vide which, DoT referred back certain recommendations of Authority on "**Roadmap to Promote Broadband Connectivity and Enhance Broadband Speed**" dated 31st August, 2021 for reconsideration of these recommendations in accordance with the provisions of Section 11 of TRAI Act, 1997, (as amended).

2. TRAI, after due deliberations, has finalised its response which is enclosed as **Annexure to this letter**.
3. In keeping with practice, a copy of this letter, along with the response, is being placed on the website of TRAI (www.trai.gov.in).

This issues with the approval of the Authority.

Encl. : As above

V. Raghunandan
(V. Raghunandan)
Secretary, TRAI

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"प्रभावी विनियमन - सुगम संचार"
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आजादी का
अमृत महोत्सव

**Annexure to TRAI’s response to
back-reference dated 28th June, 2022 received from DOT on
TRAI’s Recommendations dated 31st August, 2021 on ‘Roadmap to
Promote Broadband Connectivity and Enhanced Broadband Speed’**

This is in reference to DoT letter dated 28-06-2022 vide which certain recommendations made by TRAI on 31-08-2021 on “Roadmap to Promote Broadband Connectivity and Enhance Broadband Speed” (hereinafter referred to as ‘said recommendations’) have been referred back. Following recommendations have been referred back as per para 2 of the above letter:-

- (a) Recommendations 7.11, 7.12, 7.13(i), 7.14(v), 7.15, 7.16 & 7.18;
- (b) Recommendations 7.20, 7.21, 7.22 & 7.24;
- (c) Recommendation 7.26;
- (d) Recommendation 7.31(iv); and
- (e) Recommendations 7.32 & 7.34.

2. The views of TRAI had referred back recommendations are as follows:

A) On Recommendations 7.11, 7.12, 7.13(i), 7.14(v)

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.11	As RoW permissions are required by all types of utility service providers, i.e. telegraph, electricity, water, gas etc., from Appropriate Authorities for establishment and maintenance of underground and overground utility infrastructure and presently such permissions are regulated under different Laws, Rules and Regulations, it leads to cost inefficient and delayed establishment of utility infrastructure. To overcome all these inefficiencies, the Central Government should come out first with the National RoW Policy, and	<ul style="list-style-type: none"> • May be accepted in respect of Telegraph Services. • Amendments to Indian Telegraph RoW Rules, 2016 is being proposed separately

	subsequently it should also enact a model law for RoW permissions which should be adopted by all Appropriate Authorities. For this purpose, the Central Government in coordination with the State Governments should consider constitution of a National RoW Council so that in time-bound manner the policy and legal framework for RoW permissions could be put-in-place.	
7.12	Till the time the National RoW Policy is notified, the Governing Council for Broadband, already set-up under the National Broadband Mission (NBM), should lay down directive principles for granting RoW permissions to all the Central Government Ministries/ Departments so that the NDCCP-2018 objective of efficient establishment of infrastructure is achieved.	<ul style="list-style-type: none"> • May be done on best efforts basis.
7.13 (i)	Following institutional arrangement for streamlining RoW permissions framework should be put in place: Under the National Broadband Mission (NBM), the Central Government has put-in-place the institutional mechanism, in form of the Governing Council for Broadband, the Broadband Steering Committee, and the State Broadband Committee, for inter-ministerial coordination at Center and State level. The objective of the Council and the Committees should be broadened to streamline RoW permissions framework for all utilities by inclusion of additional members nominated from other utility departments/ service providers.	<ul style="list-style-type: none"> • May be accepted only in respect of Telegraph Services.
7.14(v)	<ol style="list-style-type: none"> a. The proposed national portal for RoW permissions should have: b. facility to submit application in the prescribed format; c. dashboard to provide real time status update of the applications; d. provision to make online payment of fee and charges; e. facility to issue electronically signed RoW 	May be accepted wherever possible.

	<p>permission, communicate reasons for rejection, if any, to the applicant as per the Indian Telegraph Right of Way Rules, 2016, in advance so that the applicant can submit its contentions before rejection of the application; and</p> <p>f. issue deemed permission letter if the appropriate authority fails to either grant permission or reject the application as per specified timelines in the Indian Telegraph Right of Way Rules, 2016.</p>	
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- i) The recommendations 7.11 to 7.13 were made by TRAI on Right of Way(RoW) permissions that are required by various Utility Service Providers like telegraph, electricity, water, gas etc. The rationale behind giving these recommendations have been explained by the Authority in para 5.35 to para 5.48 of the said recommendations.
- ii) Recommendation 7.14 is on implementing and operationalizing above-mentioned recommendations through a national RoW portal. Thus, the recommendations from 7.11 to 7.14 are interlinked flowing from one to other. Together they comprehensively address the issue of Right of Way permissions for all utility service providers. It may be appreciated that Government of India has already initiated the **PM GatiShakti initiative** which envisages breaking the departmental silos and addressing issues from ‘whole of the Government’ perspective. The entire focus of PM GatiShakti is on co-creation and sharing of infrastructure so as to reduce cost, increase efficiencies and ease of operation and maintenance. Co-Creation and sharing of infrastructure is critical to reduce cost for providing infrastructure and is being adopted by various countries. For example, in United Kingdom, the government has launched a £4m fund to back projects trialling running fibre optic broadband cables through water pipes to help connect hard-

to-reach homes without digging up roads¹. In India also, TRAI has initiated cross-sectoral collaborative efforts with Power sector, Ministry of Road Transport and Highways (MoRTH). The Authority feels that a well-thought and effective cross-sector partnership between Telecom and various other infrastructure sectors can result in decrease costs due to shared resources and increased scales of operations. This can in turn improve reach for service delivery and augment overall development.

iii) In sync with the NDCP strategic objectives to expand the digital infrastructure, issues relating to cross-sector collaboration for infrastructure co-creation and sharing have been discussed at length in the Consultation Paper released on 20th August 2020. A holistic approach to the infrastructure creation and sharing will help to counterbalance the developmental costs whose eventual burden falls upon the end consumers. Accordingly, the said recommendations have also discussed innovative approach for infrastructure creation through cross-sectoral infrastructure development and sharing.

iv) DoT in its response has said that some of these recommendations are being accepted only in respect of Telegraph Services. The Authority appreciates DoT's initiatives on national RoW Portal and proposed amendments to RoW Rules and feels that these are steps in the right direction for addressing RoW issues, however, the Authority also feels that the Right of Way permission needs to be approached in a holistic manner from the entire Government's perspective in line with the spirit of PM GatiShakti initiative and

¹ <https://www.theguardian.com/technology/2021/aug/09/uk-launches-4m-fund-to-run-fibre-optic-cables-through-water-pipes>

should not be approached in a piecemeal manner from standpoint of DoT.

v) Recommendation 7.11 has three important ingredients:

- Central Govt. should come out with national RoW Policy.
- Subsequently it should enact model law for RoW permissions which should be adopted by all Appropriate Authorities
- Constitution of a national RoW Council so that in time bound manner policy and legal framework for RoW permissions can be put in place.

vi) DoT in its response has also said that an amendment to Indian Telegraph RoW Rules 2016 is being proposed separately. It is the understanding of the Authority that DoT proposes to amend the Telegraph Rules 2016 to incorporate all the above three elements of the recommendations for Telegraph Services. However, the Authority is firm in its opinion that the RoW issue needs to be addressed holistically for all utility service providers and would request DoT to take up this matter with DPIIT. The Authority also feels that only taking up the matter with DPIIT may not help and as nodal Department, DoT should take leadership role in getting all the recommendations implemented. For the same consistent pursuance with DPIIT would be required.

vii) In respect of recommendation 7.13(i), it may be noted that under National Broadband Mission (NBM), *to seek cooperation from concerned stakeholders by developing innovative implementation models for RoW and to work with States/UTs for having consistent policies pertaining to expansion of digital infrastructure including for RoW approvals required for laying of OFC*, have been mentioned as objectives of NBM. Thus, streamlining RoW permission framework appears to be already part of responsibility of various institutional

mechanism proposed in NBM such as Governing Council for broadband, Broadband Steering Committee, and the State Broadband Committee.

viii) Therefore, the DoT's comment that this recommendation may be accepted only in respect of Telegraph Service will serve limited purpose as in the understanding of the Authority these entities already have the mandate to streamline RoW permissions for infrastructure services. The Authority has recommended to widen the scope of these entities for streamlining RoW permission framework **for all utilities** and for that purpose it was recommended to include additional members nominated from other utility departments/service providers in the Council and the Committees formed under NBM.

ix) In respect of recommendation number 7.14(iv), DoT has mentioned that these recommendations may be sent to the DPIIT for consideration under Gati Shakti. The Authority is of the opinion that the objective of these recommendations needs to be appreciated in the context of PM GatiShakti initiative. Various appropriate authorities like dealing with Irrigation, PWD, Forest, Railways, Defense Estate, Power, National Highways, State Highways, and other bigger entities having land parcels under their control like Universities, Industrial Park, Logistic Parks, Ports, Airports etc., have already instituted mechanism for granting RoWs permission to service providers and infrastructure providers for Telegraph Services. Some of these entities are using their own portals for giving such permissions. The Authority has recommended that all such portals which are currently being used for granting telegraph services related RoW permissions to Telegraph Service Provides/Infrastructure Providers, may be integrated with the proposed national portal. The Authority feels that this work needs to be taken up by DoT itself, being the nodal

department, and not by DPIIT. In addition, those administrative authorities, who do not have any portal for giving RoW permissions for telegraph services, should be brought under the ambit of national RoW Portal.

x) As far as recommendation 7.14(v) is concerned, DoT has commented that this recommendation may be accepted wherever possible. The Authority would like to point out that while making these recommendations, Authority have kept international best practices in mind. Various components of national portal for RoW permissions that have been mentioned in these recommendations like facility to submit application in the prescribed format, dashboard to provide real time status update of the applications, provision to make online payment of fee and charges, facility to issue electronically signed RoW permission, communicate reasons for rejection, and facility to issue deemed permission letters, are all easily implementable and should be implemented in totality. Implementation of an integrated RoW portal with all these components would facilitate ease of doing business and will give all entities an end-to-end view of the processes being followed, and the progress being made.

xi) The Authority, therefore, reiterates that all the recommendations from 7.11 to 7.14 should be implemented in entirety. For those recommendations that are required to be taken up with DPIIT for implementation under PM Gati Shakti initiative, DoT as nodal Department should take leadership role in getting all such recommendations implemented as the maximum benefit of implementing these recommendations will accrue to telecom sector in form of reduced cost to service providers as well as subscribers.

B) On Recommendations 7.15

Recommendation No.	Recommendations of TRAI	Views of the Government
7.15	<p>In order to remove adhocism, bring predictability, attract investment and to accelerate establishment of underground and overground telegraph infrastructure, the Central Government should work out the uniform restoration charge for open trench and pit with the respective State Government/ UT.</p> <p>Provided that the restoration charges could be different for different categories of urban areas, i.e., Municipal Corporations, Municipalities and Nagar Panchayats, and different types of soil found in a State/ UT. Further, the respective State Government/ UT Administration should direct Local Bodies to not to charge any other fee or charge for RoW permission other than what fee or charges are prescribed in the Indian Telegraph Right of Way Rules, 2016</p>	<ul style="list-style-type: none"> • May be accepted with modifications. • CPWD/State PWD schedule of rates may be followed for restoration charges.

- (i) In respect of recommendation 7.15, DoT has mentioned that this may be accepted with modifications. However, it is not clear as to what modifications in the recommendations are being suggested and what is the reason behind suggesting modifications. The Authority, as part of the recommendation 7.11, has recommended formation of a national RoW Council in coordination with State Governments with an objective that this council would put in place policy and legal framework for RoW permissions in a time bound manner. **The Authority is of the opinion that the RoW Council may be formed at the earliest and decisions on matters like RoW charges, uniform restoration charges etc., should be taken up by RoW Council**

after deliberations. Such decisions will have wider acceptability and impact.

C) On Recommendations 7.16

Recommendation No.	Recommendations of TRAI	Views of the Government
7.16	In cases where Horizontal Directional Drilling (HDD) technology is used for establishing underground telegraph lines, only restoration charges for pit should be demanded by the appropriate authority as using this technology open trenches are not required to be dug to establish underground telegraph lines.	May be accepted subject to the condition of no damage to existing infrastructure of other utilities.

- (i) The Authority is in agreement with DoT view on recommendation no. 7.16

D) On Recommendations 7.18

Recommendation No.	Recommendations of TRAI	Views of the Government
7.18	For timely and effective resolution of disputes relating to RoW permissions, as per Section 15 (1) of Indian Telegraph Act, 1885, the License Service Area (LSA) unit head of DoT should be appointed as dispute resolution officer. The findings of the dispute resolution officer, to be finalised within 30 days, should be presented to the State Broadband Committee, as	<ul style="list-style-type: none"> • May not be accepted. <p>Pr. Secretary /Secretary IT or equivalents of State/UT Governments have already been designated as Dispute Resolution Officer vide Gazette notifications</p>

	constituted under the NBM, so that after detailed deliberations in the committee, necessary written instructions are passed on to the concerned for implementing the decision of the State Broadband Committee.	dated 19.06.2021 and 08.01.2021.
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- (i) **The Authority, while making the recommendation on dispute resolution, have considered the submissions made by various stakeholders on putting in place timely and effective dispute resolution mechanism related to RoW permission and have agreed with the views of the stakeholders that alternative arrangement needs to be put in place as the current arrangement is not very effective.** The logic behind making these recommendations was based on the fact that currently nominated dispute resolution officers are generally Pr. Secretary /Secretary in charge of Information Technology of that State. The Authority is of the view that the LSA Unit Head of the DoT in a State has more insight, technical expertise, understanding into the RoW issues pertaining to telegraph and will also have more stakes in getting the infrastructure rolled out. Appointing them as dispute resolution officers will be more impactful and will help in early resolution of RoW disputes. The number of disputes on RoW issues are likely to many. For every dispute, lot of work is involved whereby both the parties involved are to be heard, papers are to be prepared and examinations of submissions of parties needs to be done. All this work will be quite onerous for Member Secretary/Secretary IT who have lot of other works to handle. Implementation of this recommendation will optimize the time and other resources of all stakeholders.
- (ii) The recommendations further says that the findings of the dispute resolution officer should be finalized within 30 days and should be presented to State Broadband Committee as constituted under the NBM

for passing necessary instructions. Since the State level Committee under NBM has Chief Secretary of respective State Government as Chairman and Secretary (Information Technology), Secretary (Urban Development), Secretary (PWD), and Secretary (Forest and Environment) of respective State Government are members, the decision of this committee will have wider acceptance and enforceability. This will ensure more efficient institutional mechanism for dispute resolution. The recommendation of Authority, if implemented, would help in better monitoring of disputes resolutions and telecom infrastructure expansion at the DoT level.

(iii) The Authority, therefore, reiterates its recommendation 7.18 that “head of the LSA Unit of DoT should be appointed as dispute resolution officer. The findings of the dispute resolution officer, to be finalised within 30 days, should be presented to the State Broadband Committee, as constituted under the NBM, so that after detailed deliberations in the committee, necessary written instructions are passed on to the concerned for implementing the decision of the State Broadband Committee”.

E) On Recommendations 7.20

Recommendation No.	Recommendations of TRAI	Views of the Government
7.20	In line with RoW charges exemptions granted by the Central Government departments and agencies/ State Governments/ UT Administrations for BharatNet project, the Central Government should coordinate with the respective State Governments/ UT Administrations to exempt RoW charges for next five years (i.e. from	<ul style="list-style-type: none"> States/UTs where USOF projects are undergoing may be asked for simplification of RoW permissions and rationalization of RoW charges.

	FY 2022-23 to FY 2027-28) for expeditious laying of common ducts and posts. Simultaneously, the Central Government should ensure that during these five years RoW charges for laying common ducts and posts shall be exempted by the Central Government departments and agencies also.	
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- (i) The comments of DoT in respect of recommendation No.7.20 are not clear.
- (ii) As has been explained in Authority’s response to recommendations 7.12 to 7.14, the common utility ducts have various economic advantages. A cross sectoral collaboration across various utility service departments/providers is required as has been envisaged under PM GatiShakti initiative. The idea was to promote construction of common ducts and posts and the recommendation is like giving ‘RoW charge holiday’ for five-year period by the Central/State Government Departments and agencies to those who intend to lay common ducts and posts.
- (iii) **The Authority is of the view that the National RoW Council, as recommended to be framed under recommendation 7.11, should be formed expeditiously. The decision about the charges and any exemptions thereof should be taken by this Council.**

F) On Recommendations 7.21

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.21	A Centrally Sponsored Scheme (CSS) to incentivise States/ UTs for RoW reforms should be formulated	<ul style="list-style-type: none"> • May not be accepted. • However, DoT will pursue publication

	by the Central Government. The quantum of incentive for a State/ UT should be linked to the net improvement in the Broadband Readiness Index (BRI) score of that State/ UT.	of Broadband Readiness Index to rank States based on RoW related performance.
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- (i) The Authority has noted the views of DoT. The Authority, however, is of the view that the Broadband Readiness Index should be immediately released by DoT, as this is long overdue.

G) On Recommendations 7.22

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.22	In order to incentivise and accelerate creation of common ducts and posts, which would accelerate establishment of telegraph lines (i.e. optical fiber cables) and telegraphs (i.e. small cell equipment), on any route, exclusive Right of Way permission for at least 5 years should be given to the provider of such common ducts and posts on that route. Such exclusive Right of Way permission should be subject to the condition that common ducts or posts would be made available on demand and in non- discriminatory manner to seekers. The Government may review such exclusive arrangement in the fifth year for further extension by 5 years if felt necessary at that point of time.	<ul style="list-style-type: none"> • May not be accepted. This needs further discussion with stakeholders and legal examination
7.24	As granting the exclusive Right of Way permission for at least 5 years on a particular route to a common ducts and posts provider has risk of monopoly behaviour, the power to	May not be accepted as detailed against the Recommendation No. 7.22.

	regulate arrangements between lessor (common duct or post provider) and lessee (duct or post user) should be given to TRAI under Section 11(1)(d) of TRAI Act 1997.	
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(i) Recommendation 7.24 flows from recommendations 7.22. The authority is of the view that construction of common ducts and posts is a permanent solution to the RoW problem. Since laying of ducts requires huge costs, it is necessary that entities who propose to lay such common ducts are given assurance of business for at least five years, and, therefore, they should be given exclusive Right of Way. In any case, putting huge expenditure for laying two or more ducts on the same routes does not make any commercial sense. **The Authority, therefore, reiterates its recommendations 7.22 and 7.24. However, if required, DoT may get the case legally examined before implementing these recommendations.**

H) On Recommendations 7.26

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.26	As per the design and standards to be finalised by TEC for establishment of common ducts infrastructure, a policy should be formulated that mandates co-deployment of common ducts during the construction of any roadway, railway, water pipelines, and gas pipelines receiving public funding. Co-deployment of such common ducts could be managed by CDPDA.	<ul style="list-style-type: none"> • May be accepted with modifications. • Co-deployment of common telecom duct may be managed by the proposed NFA.

(i) DoT in its response to recommendations 7.26 have said that this recommendation may be accepted with modifications. However, it is not clear as to what modifications have been suggested. As far as managing co-development of common telecom ducts by proposed NFA is concerned, the Authority is in agreement with DoT.

I) On Recommendations 7.31(iv)

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.31(iv)	To facilitate leasing and trading of passive infrastructure in an efficient manner, the Central Government should enable establishment of e-marketplace(s) for this purpose. Such e- marketplace should be able to access the details of the passive infrastructure of individual service provider and infrastructure provider which is delineated for sharing and selling on the common GIS platform.	<ul style="list-style-type: none"> • May not be accepted, as this is a market driven activity.

(i) In response to this recommendation 7.31(iv), DoT has mentioned that the same may not be accepted as this is a market driven activity. The Authority would like to clarify that the very objective of suggesting e-marketplace for facilitating leasing and trading of passive infrastructure was to facilitate an orderly play and growth of the market. This recommendation is limited to providing online marketplace/ commercial platform only. This will facilitate the market and ensure that maximum benefits are derived out of leasing and trading and does not envisage any market intervention from

government. Implementation of this recommendation will improve process of ease of doing business and will address the issue of information asymmetry.

- (ii) Providing online platform for the market to function efficiently is akin to what Government has done by creating GEM platform and similar platforms created/being created by other Government departments. There is no intervention as such envisaged from Government in play of the market. Availability of details of the passive infrastructure that individual service provider and infrastructure provider intends to offer for sharing, along with its location on common GIS platform, will help in bridging the information gap. There are almost 2000+ smaller ISPs and VNO players and the number is growing every passing year. If the Government can facilitate such a platform, smaller and new players will be able to immediately know the availability of an infrastructure at a location where they intend to offer services and will be able to avail the benefits of infrastructure sharing. Both the infrastructure offeror and seeker will be benefitted by the existence of such an e-marketplace and will pave the way for effective and efficient utilization of resources.
- (iii) If such a platform is created, the government will be able to facilitate faster infrastructure creation and network rollouts which in turn will result in reduced costs to consumers. **The Authority, therefore, reiterates its recommendations 7.31(iv) and is of the view that this recommendation should be implemented as soon as possible.**

J) On Recommendations 7.32

Recomm endation No.	Recommendations of TRAI	Views of the Government												
7.32(i)	<p>Under the prevailing licensing framework, Internet Service and Access Service licensees are authorized to provide Fixed-line broadband services to individual customers. Therefore, to accelerate the growth of fixed-line broadband services in the country, these categories of licensees should be eligible for incentives.</p>	<p>DoT is of the view that the licensees authorized to provide fixed-line services may be incentivized by way of exemption of License Fee earned from fixed-line services (voice, internet and video including IPTV) for ten years.</p>												
7.32(ii)	<p>For any licensee to avail the proposed incentives, a net increase of minimum 15% in working fixed-line broadband subscribers on year-on-year basis in the respective License Service Area (LSA) should be the eligibility criterion.</p> <p>Provided that minimum 20% of the targeted increase in number of working fixed-line broadband subscribers in the current quarter in the respective License Service Area (LSA) should be achieved through net increase in the rural fixed-line broadband subscribers in that LSA.</p> <p>Provided further that the condition regarding net increase in the rural fixed-line broadband subscribers mentioned above should not be made applicable in Delhi, Mumbai, and Kolkata service areas.</p> <p>Provided also that in-line with the License Fee (LF) payment obligations of licensees, the eligibility of individual licensees for</p>	<p>The annual growth rate of fixed-line Broadband subscribers in the country in the last few years is given below:</p> <table border="1" data-bbox="1057 1102 1417 1728"> <thead> <tr> <th data-bbox="1057 1102 1219 1377">Calendar Year</th> <th data-bbox="1219 1102 1417 1377">Percent growth rate in fixed-line Broadband subscriber base</th> </tr> </thead> <tbody> <tr> <td data-bbox="1057 1377 1219 1413">2018</td> <td data-bbox="1219 1377 1417 1413">2%</td> </tr> <tr> <td data-bbox="1057 1413 1219 1449">2019</td> <td data-bbox="1219 1413 1417 1449">5%</td> </tr> <tr> <td data-bbox="1057 1449 1219 1484">2020</td> <td data-bbox="1219 1449 1417 1484">16%</td> </tr> <tr> <td data-bbox="1057 1484 1219 1520">2021</td> <td data-bbox="1219 1484 1417 1520">19%</td> </tr> <tr> <td data-bbox="1057 1520 1219 1728">2022 (in the quarter ending March 2022)</td> <td data-bbox="1219 1520 1417 1728">3%</td> </tr> </tbody> </table> <p>The above data suggests that prior to the onset of the Covid pandemic, the fixed-line Broadband</p>	Calendar Year	Percent growth rate in fixed-line Broadband subscriber base	2018	2%	2019	5%	2020	16%	2021	19%	2022 (in the quarter ending March 2022)	3%
Calendar Year	Percent growth rate in fixed-line Broadband subscriber base													
2018	2%													
2019	5%													
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	<p>incentives should also be assessed on quarterly basis.</p>	<p>subscriber base was growing at about 5% annually. During the pandemic, the annual growth rate of fixed-line Broadband subscriber base increased to the level of 16% to 19%. However, on the basis of the available information (upto March 2022), the projected annual growth rate of fixed-line Broadband subscribers is likely to be only about 12% in the year 2022. It appears that the demand pull for the fixed-line Broadband services, which was triggered by the Covid pandemic, will become gradually less. It is likely that, in absence of any stimulus, the annual growth rate of fixed-line Broadband subscriber base may reach the pre-pandemic level of about 5% in a few years.</p> <p>Besides, many service providers are having only marginal growth in their fixed-line Broadband subscriber bases. Thus, keeping a steep target of 15% annual growth may leave these service providers out of the ambit of the incentives. Also, as the public sector telecom service providers are showing negative growth, they may not be eligible for incentives if some growth target is kept. That said, there will be implementation challenges with any</p>
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		<p>eligibility criteria. On the other hand, if the minimum growth rate criterion is not kept, many service providers may be interested in investing in the fixed-line network.</p> <p>With respect to the TRAI's recommendation that minimum 20% of the targeted increase should be achieved through net increase in rural fixed-line Broadband subscribers, it may be noted that the Government is already making significant investments, through BharatNet project, for providing Broadband connectivity in rural areas and hence, there appears to be no need to impose such condition for availing the proposed license fee exemption.</p> <p>In view of the above, the TRAI's recommendations about minimum eligibility criteria and minimum growth in rural areas, may not be accepted. In this view, the question of assessment of eligibility criteria on quarterly basis does not arise.</p>
<p>7.32(iii)</p>	<p>Further, in order to ensure that growth of fixed-line broadband services is spread across the country, Internet Service category 'A' licensee, whose Service Area is spread across the National Area, to avail the proposed incentives, in addition to the eligibility criterion prescribed in clause (ii) above, should also achieve a net increase of minimum 10% in fixed-</p>	<p>In view of the DoT's views mentioned in respect of the Recommendation 7.32(ii), the need for additional eligibility criteria as recommended by TRAI does not arise. Hence, this</p>

	<p>line broadband subscribers on year-on-year basis in each Telecom Circle/Metro area (as defined in Annexure-V of the Unified License).</p> <p>Provided that minimum 20% of the targeted increase in number of working fixed-line broadband subscribers in the current quarter in the respective Telecom Circle/Metro area should be achieved through net increase in the rural fixed-line broadband subscribers in that Telecom Circle/Metro area.</p> <p>Provided further that the condition regarding net increase in the rural fixed-line broadband subscribers mentioned above should not be made applicable in Delhi, Mumbai, and Kolkata service areas.</p>	<p>recommendation may not be accepted.</p>
7.32(iv)	<p>The incentive for eligible licensees should be given in the form of License Fee (LF) exemption on the total revenue as specified in clause (vi) and (viii) below.</p>	<p>All service providers providing fixed-line services may be given the benefit of License Fee exemption on the revenues earned from fixed-line services.</p>
7.32(v)	<p>In IP (Internet Protocol) world, Broadband, Voice, Video and Value-added services move together on fixed line connections. And, in the considered view of the Authority, in the prevailing market conditions, segregation of revenue earned from fixed-line connections into Broadband, Voice, Video and Value-added services categories indisputably is not feasible. Further, the growth of fixed-line broadband services in the country is directly linked to increase in availability of fixed-line connections. Therefore, the proposed incentives should be linked to the revenue earned from fixed-line connections provided to subscribers. It would pose fewer interpretation challenges.</p>	<p>This recommendation may be accepted. However, the fixed-line services for which incentive is proposed are voice, internet and video including IPTV.</p>

7.32(vi)	For an eligible Access Service licensee in any LSA, who is providing the fixed-line broadband services under the Access Service license/ authorisation, license fee exemption should be given on the 'Revenue from Wireline Subscribers' booked under "Particular 1 (A)" of the Format of "Statement of Revenue and License Fee" specified for Access Service Providers.	Fixed-line services for which incentive is proposed are voice, internet and video including IPTV. If required, additional classification will be introduced in the Format of "Statement of Revenue and License Fee" submitted by licensees.
7.32(vii)	Specifically in case of the bundled offerings/ packages (i.e. consumer offerings/ packages bundling fixed line broadband service, mobile phone service, DTH service, etc.), the exemption of license fee on revenue accruing from fixed line broadband services should be subject to the condition that the licensee shall declare upfront the policy of apportionment of revenue between each of such bundled services in the package prior to the claim for exemption, and further subject to filing a certificate from cost accountant that the policy of apportionment is broadly proportionate and in line with the costs associated with the provision of the different services that are bundled as a package.	This recommendation may be accepted. However, the Licensor may verify the apportionment policy of the service provider.
7.32(viii)	For an eligible Internet Service licensee in any LSA, license fee exemption should be given on the 'Revenue from Services' booked under "Particular 1" of the Format of "Statement of Revenue and License Fee" specified for Internet Service Providers.	Fixed-line services for which incentive is proposed are voice, internet and video including IPTV. If required, additional classification will be introduced in the Format of "Statement of Revenue and License Fee" submitted by licensees.
7.32(ix)	The eligibility for incentives should be self-assessed by the concerned licensee as per the criterion prescribed in clause (ii) and (iii) above. For this purpose, the licensee should submit the fixed-line broadband subscribers' details, in the Format of Statement of Fixed-line	As the DoT is of the view that all service providers providing fixed-line services may be given the benefit of License Fee waiver on the revenues earned from fixed-line

	<p>Broadband Subscribers' given at Annexure-E, by 15th of the next quarter. Since as per license conditions, licensees are required to pay the License Fee by 25th March for the last quarter of the Financial Year (FY) based on expected revenue, for the last quarter of the FY only, the licensee should be permitted to self-assess its eligibility on the basis of estimated growth in fixed-line broadband subscribers by the end of that quarter. In support of its self-assessment for the last quarter, the licensee should submit by 15th April the actual number of subscribers working as on 31st March in the 'Format of Statement of Fixed-line Broadband Subscribers' given at Annexure-E.</p>	<p>services, self-assessment for being eligible for License Fee waiver may not be required by the service provider. Hence, this recommendation may not be accepted.</p>
7.32(x)	<p>A robust verification mechanism should be put in place to check the veracity of the working fixed-line broadband subscriber base declared by the eligible licensees. To ensure that each licensee would do the right self-assessment of its eligibility, it would be pertinent to clarify that here working fixed-line broadband subscribers would mean the subscribers who are active and regularly paying their post-paid bills or recharging their pre-paid accounts, as per the applicable tariff plan. For this purpose, test users should not be counted as working fixed-line broadband subscribers.</p>	<p>As the DoT is of the view that all service providers providing fixed-line services may be given the benefit of License Fee waiver on the revenues earned from fixed-line services, verification mechanism as proposed by TRAI may not be required for being eligible for License Fee waiver. Hence this recommendation may not be accepted.</p>
7.32(xi)	<p>The eligible licensees, based on their self-assessment, should be permitted to claim license fee exemption on the revenues specified in clause (vi) and (viii) above. The license fee exemption claim shall be subject to the verification by the Licensor as per terms and conditions of the license. Such verification and settlement of incentive claims, subject to final assessment and audit of AGR, should be completed within 6 months.</p>	<p>As the DoT is of the view that all service providers providing fixed-line services may be given the benefit of License Fee waiver on the revenues earned from fixed-line services, the question of verification and settlement of incentive claims may not be required for availing License Fee waiver benefits. Hence this</p>

		recommendation may not be accepted.
7.32(xii)	In cases where a licensee, based on the actual net increase in working subscriber numbers at the end of last quarter of FY fails to meet the eligibility criterion, then it should pay the LF amount duly payable for the last quarter of the FY by 15th April. For any delay, penal interest be levied as per the terms and conditions of the license.	As the growth criteria is to be waived off, this recommendation may not be accepted.
7.32(xiii)	To increase supply of fixed-line broadband services in rural and remote areas, Cable Operators, who are keen to deliver broadband services, should be encouraged to establish last-mile linkage network. For this purpose, the Government should impart necessary skills to such Cable Operators and provide soft loans to them on easier terms for establishing last-mile connectivity network in rural and remote areas. As per the extant licensing framework these Cable Operators could work as franchisee of any ISP including BBNL to provide broadband services.	The recommendation related to imparting necessary skills to Cable Operators may be accepted. However, the recommendation related to providing soft loans to Cable Operators may not be accepted.
7.32(xiv)	To incentivise the initial investment in the last-mile linkage network and support broadband business operations initially, in considered view of the Authority, the Government should notify an interest subvention scheme for Cable Operators registered as Micro and Small size enterprises.	The recommendation related to interest subvention scheme for Cable Operators may not be accepted.
7.32(xv)	Initially, the proposed incentive, i.e. license fee exemption, to the eligible licensees should be allowed for a minimum period of five years. The need for incentives beyond initial five years may be reviewed in the fifth year keeping in view the policy priorities and technological developments at that point of time.	The roll-out of fixed-line network requires high upfront investment, but the profits may accrue only after a long period of time. So, any incentive, as proposed, should have a certainty about the time duration for which it should be applicable. The investors will be interested in investing only if there is a policy

		<p>certainty regarding the fixed-line services. The incentive of License Fee waiver on fixed-line services may be given for a period of ten (10) years.</p>
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- (i) In response to the various sub-recommendations of the recommendation 7.32, DoT has mentioned that *Fixed-line services for which incentive is proposed are voice, internet and video including IPTV. If required, additional classification will be introduced in the Format of “Statement of Revenue and License Fee” submitted by licensees.* DoT has not accepted various eligibility conditions for availing License fee exemptions that were proposed by TRAI based on minimum net increase in working fixed-line broadband subscribers and rural subscribers on year-on-year basis in the respective License Service Area (LSA).
- (ii) In this respect, the Authority would like to point out that in its previous recommendations on *“Delivering broadband quickly; what do we need to do?”* dated 17th April, 2015, the Authority had recommended to promote fixed line Broadband by exempting license fee on the revenues on fixed line broadband for at least five years without any eligibility conditions. However, DoT vide its letter dated 12th March, 2021 had referred back the recommendation of 2015 to TRAI stating, inter-alia, likelihood of misuse by the licensee through misappropriation of revenues due to proposed exemption of license fees. To address the apprehensions raised by DoT, TRAI had accordingly proposed certain eligibility conditions for license fee exemption as part of our said recommendations 7.32. It has been explained and justified by DoT in its arguments in response to the said recommendations that the DoT wants to implement the license fee

exemption without any eligibility criteria. The Authority takes note of this viewpoint of DoT.

(iii) DoT has also conveyed that of implementation of the license fee exemption will be for fixed line service for voice, internet and video, including IPTV. No reasons have been provided by DoT for not agreeing with the Authority's recommendations and excluding value added services offered using fixed lines from license fee exemption. DoT has also suggested that an additional classification can be introduced in the format of a statement of revenue and license fee submitted by licensee, if required. Here again, the Authority would like to point out that to address the apprehensions raised by DoT vide its reference back dated 12th March, 2021 on likelihood of misuse by licensee through misappropriation of revenues due to proposed exemption of license fees, the Authority had issued a Supplementary Consultant Paper (SCP) on 19.05.2021 and specifically included this issue for consultation. In the SCP the Authority had discussed that *nowadays, many service providers are also bundling content and other value-added services like IPTV, video streaming, video conferencing, music, security services, etc. along with broadband services. In such cases, question arises whether the exemption of the license fee should be limited to the revenue earned from the broadband services alone, or the license fee should be exempted on all kind of revenues earned by the licensees from fixed-line networks for supporting the growth of fixed-line networks.* The specifics, comments received, and analysis and views of the Authority thereof have been discussed in detail from Para 6.22 to 6.83 of the said recommendations. Deliberations specifically in para 6.70 to 6.77 may be referred, whereby the Authority has given its considered view that *in the prevailing market conditions, segregation of revenue earned from fixed-line connections into Broadband, Voice, Video and Value-added services categories indisputably is not feasible.* DoT

has suggested that an additional classification can be introduced in the format of a statement of revenue and license fee submitted by licensee, if required. However, as has been discussed in the said recommendations, the Authority is of the opinion that indisputable segregation of revenues will always remain a challenge and challenges of different interpretation by different stakeholders will further make the implementation difficult. In para 6.77 of the said recommendations, the Authority has discussed that *nowadays, many service providers are also bundling content and other value-added services like IPTV, video streaming, video conferencing, music, security services, etc. It may not be possible to effectively segregate the revenue earned from different value-added services bundled with fixed line broadband plans delivered using wireline networks. In an era of convergence of services, bundled products should not be discouraged because they add value to the customer offerings and stimulate demand.* Thus, Authority has given detailed reasoning behind its recommendation on giving License Fee (LF) exemption on the total revenue. However, no reasons have been given by DoT for not agreeing with the Authority's recommendations and excluding value added services offered using fixed lines from license fee exemption. In view of aforesaid, **the Authority would like to re-iterate its earlier recommendations that the incentive for eligible licensees should be given in the form of License Fee (LF) exemption on the total revenue as specified in recommendations 7.32 (vi) and 7.32 (viii).**

(iv) However, for Access service Authorization, Authority has recommended in recommendation 7.32 (vi) that *“for an eligible Access Service licensee in any LSA, who is providing the fixed-line broadband services under the Access Service license/ authorisation, license fee exemption should be given on the ‘Revenue from Wireline Subscribers’ booked under “Particular 1 (A)” of the Format of “Statement of Revenue*

and License Fee” specified for Access Service Providers”. The break-up of revenues booked under “Particular 1(A)” for Access Service Authorization as detailed in Unified License are as follows:

1.	Revenue from services
A	Revenue from wire-line subscribers:
i.	Rentals
ii.	Call revenue within service area
iii.	National LONG DISTANCE CALL revenue
iv.	International LONG DISTANCE CALL revenue
v.	Pass thru revenue for usage of other networks (give OPERATOR-wise details)
vi.	Goods and Service Tax (GST)
vii.	Service charges
viii.	Charges on account of any other value added services, Supplementary Services etc.
ix.	Any other income / miscellaneous receipt from wireline subscribers.

As can be seen from above this covers entire revenues earned from wired-line services and that includes IPTV services as well. Whereas, for ISP Authrization, the revenue booking heads (Particulars) are as follows :

1. Revenue from services	
	<p>A. Revenue from Pure Internet Service (Internet Access and Content Service):</p> <p>A1. Post paid options:</p> <p>i. Rentals</p> <p>ii. Activation Charges</p> <p>iii. Goods and Service Tax (GST)</p> <p>iv. Service charges</p> <p>v. Charges on account of any other value added services. Supplementary Services etc.</p> <p>vi. Any other income/ miscellaneous receipt from post paid options.</p> <p>A2. Pre-paid options:</p> <p>i. Sale of pre-paid option including full value of all components charged therein.</p> <p>ii. Any other income/ miscellaneous receipt from pre-paid options.</p>

	B Revenue from Internet Telephony Service:
	C Revenue from any other value added service
2. Income from trading activity (all including of Goods and Service Tax (GST))	
	I Sale of Terminal Equipments ii Sale of accessories etc. iii Any other income/ miscellaneous receipt from trading activity.
3. Income from investments	
4. Non-refundable deposits from subscribers	
5. Revenue from franchisees /resellers including all commissions and discounts etc. excluding the revenues already included in IA&IB	
6. Revenue from sharing/ leasing of infrastructure	
7. Revenue from sale/ lease renting of bandwidth, links, R&G cases, turnkey projects etc.	
8. Revenue from Roaming	
9. Revenue from IPTV Services	
10. Revenue from other Operators on account of provisioning of interconnection	
11. Revenue from Operations/ Activities other than Telecom Operations/ Activities as well as revenue from activities under a license from Ministry of Information and Broadcasting	
12. Miscellaneous Revenue	

As can be seen from the above table, for ISP Authorization, IPTV revenues are being booked separately under “Particular 9”. Thus, to keep parity between Access service and ISP authorized licensee for License fee exemption, **for recommendations 7.32 (viii), the Authority would like to make minor modifications in its recommendations to correct inadvertent oversight. For an eligible Internet Service licensee in any LSA, license fee exemption should be given on the ‘Revenue from Services’ booked under “Particular 1” and “Particular 9” of the Format of “Statement of Revenue and License Fee” specified for Internet Service Providers.**

(v) As far as the duration of license fee exemption is concerned, while agreeing with DoT's submission that any incentive, as proposed, should have a certainty about the time duration for which it should be applicable and that the investors will be interested in investing only if there is a policy certainty regarding the fixed-line services, the Authority is also of the view that the market and the technologies are changing very fast. The Authority has discussed these issues in para 6.82 of the said recommendations and accordingly recommended that initially, the proposed incentive, i.e., license fee exemption, to the eligible licensees should be allowed for a minimum period of five years. The need for incentives beyond initial five years may be reviewed in the fifth year keeping in view the policy priorities and technological developments at that point of time. **The Authority would like to re-iterate its recommendations on allowing license fee exemption for fixed line service for five-year period initially. Keeping in view the policy priorities and technological developments, extension of exemption beyond initial five years, if required, may be reviewed in the 5th Year.**

K) On Recommendations 7.34

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.34(i)	To evaluate practicability of Direct Benefit Transfer (DBT) for accelerating growth of fixed-line broadband services, a pilot DBT scheme for prospective fixed-line broadband subscribers should be launched at places in rural areas where adequate fixed-line broadband capacity is available but there is lack of demand for fixed-line broadband.	As the Government is already making significant investments through BharatNet project for providing Broadband connectivity in rural areas which will be further bolstered by the License Fee waiver as proposed above, there

7.34(ii)	For the pilot scheme the Government should consider reimbursing 50% of the monthly fixed-line broadband subscription charges, subject to not more than Rs. 200 per month per subscriber, to each rural fixed-line broadband subscriber through DBT platform.	appears to be no need for the DBT scheme recommended by TRAI. Hence, these recommendations may not be accepted.
7.34(iii)	After ascertaining the practicability of the pilot DBT project in accelerating the growth of fixed-line broadband services; specifics of the DBT scheme like eligibility criteria for beneficiaries, reimbursement amount, period of the scheme etc. should be worked out subsequently.	

(i) As far as recommendations 7.34 are concerned, the Authority would like to point out that DoT has written to the Authority vide its reference back dated 12th March, 2021 pointing out that while deliberating on earlier recommendations of TRAI of 2015 on exemption of license fee earned on revenues from fixed line broadband for five years, one of the issues that emerge was “*whether proliferation of fixed line broadband service can be better promoted by providing direct benefit transfer to consumers for usage of fixed line broadband services*”. It was on the basis of this reference back from DoT that the Authority issued a supplementary consultation paper and included the issues and questions related to the direct benefit transfer in its said recommendations. These were not part of the original Consultation Paper.

(ii) DoT has now conveyed that the Government is already making significant investment through BharatNet project for providing broadband connectivity in rural areas which will be further bolstered by license fee waiver, and, therefore, there appears to

be no need for the DBT scheme. The Authority is of the view that Bharatnet only addresses supply side. There is a need to address demand side issues that may persist in view of affordability. In para 6.20 of the said recommendations, the Authority has detailed various demand side measures employed to improve broadband adoption across the world giving specific examples from USA, UK, Singapore, France, Greece, Italy, Brazil and Uruguay. Addressing demand side constraints specifically that of affordability can help in addressing digital inclusion and execution of various schemes of different Ministries/Departments that necessitate digital connectivity for implementation.

- (iii) Further, TRAI in its recent recommendation on ‘Auction of Spectrum in frequency bands identified for IMT/5G’ has handled the critical issue of demand side and recommended to Government that a 5G dedicated ‘Inter-Ministerial Working Group (IMWG)’ be formed for better coordination and complementing each other’s efforts to realize the benefits of 5G technology for achieving overall economic growth of the Country. It has also been recommended that the concerned Ministries shall establish a special dedicated Digital Cell to formulate the use of digital technologies like 5G, IoT, M2M, AI etc. and development of relevant and affordable use cases involving start-up companies, entrepreneurs, application providers etc. The Digital Cell may also focus on issues relating to digital literacy, connectivity and affordable user devices for economic participation as far as their stakeholders are concerned . The ministries will have their own budgetary provision for 5G penetration in their verticals. Through these

recommendations, TRAI also emphasized that the Micro, Small and Medium Enterprises (MSMEs) may need Government's handholding and there would be a need to assess the degree of intention and inclination among the MSMEs, both in formal and informal sectors, towards automation and digital transformation. Implementation of these recommendations will require policy decisions to penetrate connectivity and new technologies among the various stakeholders of vertical sectors as well as MSMEs.

- (iv) A pilot project as recommended by TRAI in its said recommendations opens a window for other vertical sectors to address the demand side issues. **The Authority, therefore, reiterates its recommendations on pilot DBT scheme for prospective fixed-line broadband subscribers as given vide para 7.34(i) to para 7.34(iii) of the said recommendations.**

L) On the representations received on the proposed waiver of licence fees on IPTV services

- (i) In reference to Para-4 of DoT reference back dated 28.06.2022 which mentions about the representations received on the proposed waiver of licence fees on IPTV services, the Authority would like to bring to the notice of the Government the deliberations that has been made in **Para 2.J(iii)** above. The Para specifically discuss the issues involved in effective segregation of revenue earned from different value-added services bundled with fixed line broadband plans delivered using wireline networks. It also discusses that in an era of convergence of services bundled offerings cannot be

discouraged. In fact, bundled offerings using wireline networks would add value to the customers and will be helpful in stimulating the demand for fixed line services. This is in sync with the objective of proposed licence fees exemption and will help proliferation of fixed line services.

- (ii) Taking cognizance of the issue of level playing field for services offered (including IPTV) under various licenses and through different technologies, the Authority had mentioned the following in its SCP :

“A probable argument could be that any license fee exemption on the revenues earned from delivery of the fixed-line broadband services only may create a non-level playing field between the fixed-line and wireless broadband services. However, this non-level playing field argument could be contradicted by others by citing the fact that in case of broadcasting distribution also, while the DTH operators who deliver broadcasting services using wireless medium are required to pay the license fee, the cable operators who also deliver the same broadcasting services but using fixed-line network are, on the other hand, exempted from paying the license fee. Here it is also pertinent to mention that while the DTH license is granted under Section 4 of the Indian Telegraph Act, 1885; cable services are registered under the Cable TV Networks (Regulation) Act, 1995.”

- (iii) Thus, the Authority had discussed the issue of level playing field in its SCP giving specifics of broadcasting distribution sector. No specific submissions in this regard were made by the stakeholders in response to the SCP. Basis the stakeholders' submission and analysis of its own, the Authority has taken a considered view on segregation of revenues and recommended

license fees exemption on revenues earned through fixed line services. Authority's viewpoint has been detailed in paras **2.J(i) to Para 2.J(v)** above. DoT may, at its end, decide on the representations received in this regard.

3. In addition to the recommendations that have been referred back, the Authority has certain observations on the views of Government on some of the recommendations that have not be mentioned in referred back category. These have been dealt in following paras.

A) On Recommendations 7.8

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.8	In order to overcome the capacity constraints in the backhaul connectivity of cellular networks, radio spectrum used for backhauling purpose should be assigned to service providers on demand and in time bound manner.	<ul style="list-style-type: none"> • Decision with regard to backhaul spectrum may be taken after finalization of Spectrum Assignment policy.

- (i) In response to recommendation 7.8, DoT has mentioned decision with regard to backhaul spectrum may be taken after finalization of Spectrum Assignment policy. DoT may take an early decision on this recommendation and intimate TRAI accordingly.

B) On Recommendations 7.17

Recomm endation No.	Recommendations of TRAI	Views of the Government

7.17	<p>To make it explicitly clear that the Indian Telegraph Right of Way Rules, 2016 are applicable for establishment and maintenance of all kinds of underground and overground telegraph infrastructure; and not limited to optical fiber and mobile towers, the first paragraph of the Indian Telegraph Right of Way Rules, 2016 should be amended as:</p> <p><i>"G.S.R. 1070(E).—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules to regulate underground infrastructure and overground infrastructure, namely:—"</i></p>	<ul style="list-style-type: none"> • May be accepted. • This has been already done and amendment in RoW Rules has been notified.
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(i) In response to recommendations 7.17, DoT has indicated that the amendment to RoW Rules has already been notified. However, the Authority has noted that the amendment of RoW rules is not in sync with what has been recommended. In this regard, attention is invited to para 5.65 of the said recommendations whereby the Authority has pointed out that the definitions of the underground telegraph infrastructure and overground telegraph infrastructure as provided in Chapter 1 of the RoW Rules, 2016 sufficiently takes care of various telegraph infrastructure, including aerial optical fiber cable. In fact, specific mention of optical fiber or mobile towers in the initial paragraph restricts the operation of this rule to any other telegraph infrastructure. 5G network rollouts would require extensive deployment of small cells which may be deployed on street furniture, including electrical poles and posts. Mentioning of overground infrastructure (mobile towers and telegraph line)

in the opening paragraph as has been done through the amendment dated 21st Oct, 2021 would restrict the applicability of these rules and may not cover other contrivances including posts. The opening paragraph gives the impression that the RoW Rules are only for Mobile Towers and OFC. **The Authority therefore recommends amending the opening paragraph of Indian Telegraph Right of Way Rules, 2016 as follows :**

G.S.R. 1070(E).—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules to regulate underground telegraph infrastructure and overground telegraph infrastructure, namely

- (ii) Since the existing definitions of “overground telegraph infrastructure” and “underground telegraph infrastructure” of Chapter I of the Rules adequately cover all contrivances, appliances and apparatus, the opening para will not be interpreted restrictively. In the said recommendations the word “telegraph” has been left inadvertently and has been included now. DoT may consider the amended recommendation as mentioned in para 3.A(i) above.

C) On Recommendations 7.27

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.27	Establishment of common ducts for optical fiber cables should be made	<ul style="list-style-type: none"> • May be accepted. • MoHUA may be requested to take the

	integral part of Smart City development plans.	lead.
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- (i) In response to recommendation 7.27, Authority has a view that DoT should take lead in coordination with MoHUA and do necessary follow-up for getting these recommendations implemented.

D) On Recommendations 7.29

Recommendation No.	Recommendations of TRAI	Views of the Government
7.29	<p>Till the time, the proposed national portal become available for cross-sector collaboration with other utility providers like water, electricity, gas etc. for RoW permissions and co-deployment of telegraph lines:</p> <p>i. The Appropriate Authorities should notify an annual plan for permitting the digging operations by utility service providers to establish underground infrastructure so that each utility provider could finalise their plans in advance.</p> <p>ii. To implement dig once policy and avoid frequent interruptions in services due to accidental damages of underground infrastructure, each utility provider should communicate its digging plans in an area to other utility providers operating in that area before submitting application for RoW permission to the appropriate authority. This would enable cross sector collaboration for co- deployment of telegraph lines; and while the digging operations are in progress utility providers could protect their underground</p>	<ul style="list-style-type: none"> • May be sent to DPIIT for consideration under Gati Shakti.

	infrastructure also.	
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- (i) In response to recommendation 7.29, DoT mentioned that this recommendation may be sent to DPIIT for consideration under PM GatiShakti. The Authority is of the view that DoT has to take leadership role as a nodal department and pursue with DPIIT to get this implemented. As far as recommendation 7.29(ii) regarding dig once policy is concerned, the Authority is of the opinion that this can be implemented by DoT itself, at least for all telecom service providers/infrastructure providers by incorporating the dig once clause in RoW rules. The TSP/IP-I while seeking RoW permission for laying telegraph should announce their intents in advance to other utility companies (through proposed National RoW portal), whereby the other utilities can use this opportunity to lay their infrastructure in the same trench, if required. This initiative, on behalf of telegraph authority, would open way for wider implementation of the policy. It may be noted that TRAI has taken up several issues for cross sectoral collaboration with Ministry of Power, MoRTH, MoHUA and has also initiated Pilot projects to facilitate such collaborations for use of street furniture for small cell and aerial fibre deployments. Out of the several issues that were taken up with Heads of Central Electricity Regulatory Commission (CERC) and State Electricity Regulatory Commissions (SERCs) was that the Distribution utilities should provide area wise information on their website about the planned outages and future maintenance schedule so that the TSPs can plan for provision of fuel for diesel generator or other back-up arrangements. Such cross sectoral collaborations will help in reducing overall cost of infrastructure creation to the

nation and will also bring down disputes and disruptions in service.

E) On Recommendations 7.30

Recomm endation No.	Recommendations of TRAI	Views of the Government
7.30	The Authority's earlier recommendations on 'Enhancement of Scope of IP-I Registration' dated 13th March 2020 should be decided by the DoT and implemented at the earliest. The global trend is to move towards infrastructure sharing and this matter needs to be finalized within the next 3 months.	<ul style="list-style-type: none"> • May not be accepted. • As per the legal advice, the TRAI recommendations on 'Enhancement of Scope of IP-I Registration' dated 13.3.2020 was examined by Standing Committee and it was decided that IP-I registration in its present form can't be permitted to provide active infrastructure. Hence, it may not be agreed to.

- (i) In response to recommendation 7.30, DoT in its covering letter has mentioned that the recommendations are under consideration with Government. The Authority would request an early decision on this recommendation and the same may be intimated to Authority.

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