

BIF Response to TRAI CP on Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India

Q1: Whether there is a need to bring data communication services between aircraft and ground stations provided by organizations other than Airport Authority of India under service licensing regime? Kindly provide a detailed response with justification.

BIF RESPONSE

At present, commercial data communication services are being regulated through Unified License. On the other hand, captive network-based services (such as Captive Non-Public Network -CNPN and Captive Mobile Radio Trunking Service) are being regulated through light touch licensing regimes. On 27.06.2022, DoT issued 'Guidelines for Captive Non-Public Network (CNPN) License'. Through these guidelines, DoT decided, inter-alia, to enable enterprises to establish CNPNs in India. An entity will have to obtain CNPN License from the Government for this purpose. A CNPN licensee may obtain frequency spectrum directly from the Government and establish its own isolated network.

Since the Government has brought the establishment, maintenance, and working of Captive Non-Public Network (CNPN) under a licensing regime, a similar proposal to regulate data communication services between aircraft and ground stations could possibly be conceived due to the following reasons :

- (i) Data Communication Services between Aircrafts and Ground Stations may also be classified as non-public but captive in the sense that the spectrum allotted is used entirely for the strategically vital communication between the aircraft and ground stations.
- (ii) However, it is not part of any public communication service viz. PSTN, PLMN , etc or part of the public internet service.

Hence, we feel there is a need to get all data communication services between aircraft & ground stations under a service license similar to that of the CNPN license. This license would be a ' light touch ' one.

Q2. In case your answer to Q1 is in the affirmative, should the providers of data communication services between aircraft and ground stations be licensed through – (a) an authorization under Unified License; or (b) a separate service license. Kindly provide a detailed response with justification.

BIF RESPONSE

As mentioned in Q1 with justification, it should be done through a separate ' light touch ' license

Q3. What should be the broad terms and conditions of the licensing framework for data communication services between aircraft and ground stations, such as – (a) licensed service area, (b) validity period of the license, (c) scope of the license, (d) technical conditions, (e) operating conditions, (f) security conditions, and (g) financial conditions (such as application processing fee, entry fee, license fee, bank guarantees, etc.)?

BIF RESPONSE

Since DoT has already issued framework including terms & conditions for issue of standalone CNPN Licenses for Enterprises , similar terms and conditions may be made applicable for this license also.

Q4. What should be the methodology for assignment of the spectrum in frequency range 117.975-137 MHz to the providers of data communication services between aircraft and ground stations? Should the spectrum be assigned administratively, or through auction, or through any other method? Kindly provide a detailed response with justification.

BIF RESPONSE

Spectrum should be assigned administratively with suitable power/emission limits to ensure protection of other co-primary and secondary users in the same band. Reason: This is not for commercial use , but for strategic use.

Q5. In case administrative assignment is to be followed, what should be the mechanism for charging the VHF spectrum in the frequency range 117.975-137 MHz to be assigned to the providers of data communication services between aircraft and ground? Whether the auction determined prices for other frequency bands can be accounted for estimating the value of VHF spectrum in the frequency range 117.975-137 MHz? Kindly provide a detailed response with justification.

BIF RESPONSE

It should be done on the basis of the formula (2012) used by DoT for charging administrative spectrum, as is being done currently.

Q6. If auction methodology is to be followed, whether the valuation of VHF spectrum in frequency range 117.975-137 MHz assigned to the providers of data communication services between aircraft and ground stations should be derived by relating it to the valuation of other frequency bands by using technical efficiency factor? If yes, with which frequency band, should these frequencies be related to and what efficiency factor or formula should be used for estimating the value of VHF spectrum in frequency range 117.975-137 MHz? Kindly justify your suggestions.

BIF RESPONSE

BIF does not recommend auctioning of spectrum, for reasons mentioned in Q4 above.

Q7. What are the prevalent international practices being followed in other countries for assignment and charging (including other applicable charges and fees) of spectrum in the frequency range 117.975-137 MHz, which is used for providing data communication services between aircraft and ground stations? Please provide a detailed response.

BIF RESPONSE

There are no known cases of any other method of assignment of spectrum –other than administrative method.

Q8. Whether the valuation of VHF spectrum assigned to the providers of data communication services between aircraft and ground stations be derived using the methodologies used internationally in this regard? If yes, which of the methodologies can be followed? Please provide a detailed response.

BIF RESPONSE

Based on the learnings and international best practices, the current method of formula based administrative charges is recommended.

Q9. Apart from the approaches highlighted above, which other valuation approaches should be adopted for valuation of the VHF spectrum in the frequency range 117.975-137 MHz? Kindly support your suggestions with detailed methodologies, related assumptions, and other relevant factors.

BIF RESPONSE

No Comments

Q10. Whether there are any other issues/ suggestions relevant to the subject? The same may be submitted with proper explanation and justification.

BIF RESPONSE

NIL