



Cellular Operators Association of India

RSM/COAI/056
3rd April 2012

The Telecom Regulatory Authority of India
Mahanagar Door Sanchar Bhawan
Jawahar Lal Nehru Marg (Old Minto Road)
New Delhi-110002

Dear Sirs/Madam,

Adv (BBX PA)

Sub: COAI response to the Consultation Paper dated 15 March 2012 on Amendment in the ISP License Agreement for incorporating the terms and conditions mentioned in the NIA dated 25.02.2010 for use of BWA spectrum

1. This is with reference to TRAI's Consultation Paper on the subject matter.
2. It is submitted that DoT's NIA dated 25.2.2010 laid down the condition that the 'effective date' in context of roll-out obligation and the duration of awarded spectrum would be applicable, 'later of the date when the rights to commercially use the spectrum commences and the date when the relevant service licence, if applicable is granted to the operator'.
3. Subsequently on Sep 01, 2010, DoT made the amendment in the UAS licence agreement to use the BWA spectrum with the 'effective date' started from the date of issue of this letter.

Clause 23.8 of UASL:

"The Licensee is also authorized to use the BWA spectrum block for provisioning of Telecom Access Services as defined in the 'Scope of the licence' in the schedule Condition 2 of the UAS License agreement from the date of award of right to commercially use the BWA spectrum i.e. the date of issue of this amendment letter till the validity of the UAS licence agreement or for a period of 20 years from the date of issue of this amendment letter, whichever is earlier".

4. Therefore, the validity period for the use of BWA spectrum or the roll out obligations for the licensees providing BWA services under UAS licence are applicable from Sep 01, 2010.
5. We would also like to submit that no recommendations were sought by DoT for amendments in the UAS License or ISP License due to 3G/BWA spectrum allocations by auction either before or post auctions.
6. It is further submitted that the only aspect mentioned by DoT in its letter dated 27 December 2011 is that the definition of AGR differs in the case of ISP licenses and UAS licences. We respectfully submit that this is neither a new fact nor a new reason to trigger the consultation because the provisions of respective service license were known to all stakeholders before the bids.

Chairman, TRAI
Dy. No. 883
Date 4/4

