

To,

Shri Tejpal Singh

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Subject: Comments/Observations on behalf of DEN Networks Limited on the Consultation Paper titled "Inputs for formulation of National Broadcasting Policy-2024" ("CP").

Dear Sir,

We would like to express our gratitude for providing us with the opportunity to share our observations on this Consultation Paper.

At the outset, it is noted that the comments in this paper are premised on our understanding of the broadcasting and cable TV industry practices, its gradual growth over the decade and the current legislative structure. We humbly acknowledge and appreciate the efforts that the Authority has put forth in initiating a CP on such a significant issue that is in relation to the Inputs for formulation of National Broadcasting Policy-2024. It is stated that we stand supportive of the vision that is envisioned by the Authority in this particular consultation paper and as no doubt the Broadcasting and Cable TV Industry has contributed immensely towards attracting investments, fostering creativity and significantly elevating India's image globally.


Thanking You
Yours Faithfully

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Q1. Stakeholders are requested to provide their inputs in framing the Preamble, Vision, Mission, and Broad Objectives for the formulation of the National Broadcasting Policy (NBP).

Response: NTO, the regulatory framework, governs nearly every facet of the TV broadcasting industry. DPOs' capacity to satisfy customer requests is limited by the strict limitations in the NTO. There have been multiple lawsuits in the industry as a result of the NTO's basic defects not being able to be fixed, despite multiple modifications to the statute.

TRAI's forbearance-based approach, which has allowed the telecom sector to develop significantly while still satisfying customer demands, is in contrast to the NTO's approach.

Therefore, encouraging patience in the broadcasting industry is crucial. A new forbearance-based regulatory framework ought to take the place of NTO. It is recommended that New Broadcasting Policy adopt the principle of forbearance and limit its regulation to areas where there is a risk of market failure.

Vision: We firmly think that the approach centred on tolerance will encourage innovation, creativity, and the uptake of cutting-edge technologies. In light of this, we suggest the following goals and vision:

In order to reach 100% penetration of television viewing in Indian households, the Indian broadcasting sector aims to become a global centre for media and entertainment by creating an atmosphere that fosters innovation, creativity, and adoption of cutting-edge technologies.

Mission: 1. Same regulations, same service:

To encourage regulatory parity between private industry that offers competing services and PSU operators, such as DD Free Dish to use auctions to distribute spectrum for broadcasting services in order to maintain service provider parity and safeguard National Exchequer revenue.

2. Content Parity: Mandate to provide all the available “Content” to consumers, at an affordable price, without any discriminations between distribution platforms.

3. **Material to be produced Local-Global:** To establish a global ecosystem for the production of high-quality content and its dissemination on a range of channels. To enable Indian local content to be viewed on international platforms, new initiatives and platforms must be created.
3. **Strengthen and extend infrastructure support** to give young people the chance to realize their potential in the film, internet, and electronic media industries. This will help to foster innovation.
4. **Financial Plans to Encourage technical Development:** To establish a range of financial plans to encourage innovation and technical development in the industry.
5. To protect press and media freedom and to enable the free exchange of information.
6. **"Atmanirbhar Bharat" - Made in India:** We ought to encourage the production of most equipment used in the broadcasting industry locally.
7. Establish a well-organized atmosphere that facilitates easy doing business and promotes stability, equitable growth, and ease for all stakeholders.
8. Promotes the ambience of Self-Regulation through forbearance.

Objectives:

First Objective is to Implement policy changes to make doing business easier. Secondly, to create uniform policies across all states, reduce ROW fees, and facilitate centralized payment, a central committee or council with representation from each state should be established. Thirdly, to Establish financial assistance programs to increase rural communities' access to broadband and cable television. To link TV dark houses and increase the nation's penetration of wireline telecommunication, a licensing fee waiver for fixed line telecommunication services is being offered. Fourthly the Five-year forecasts for the performance of the Indian broadcast industry, including the industry's enhanced GDP contribution and employment growth (NIPFP is presently conducting a research on this topic). Fifthly to establish common law, clear guidelines, and policies for comparable distribution platforms and promote parity between them.

In order to fill in the data gaps regarding the economic impact of the broadcasting industry, stable parameters, targets, and an institutional framework for assessment must be established

in order to evaluate revenue creation, employment, and subscriber figures. Understanding the value of thorough data in making well-informed decisions, we provide the following framework, complete with supporting data and suggestive metrics:

Economy Measures and Contribution

Q2. There exist data gaps in ascertaining contribution towards economy, revenue generation, employment generation, subscription figures etc. in the broadcasting sector which relies heavily on industry studies to carry out research and estimates. What should be the parameters, targets and institutional framework for measurement? Provide your comments with detailed justification. Also provide the indicative metrics used for calculating the targeted figures, if possible.

Response: In order to fill in the data gaps regarding the economic impact of the broadcasting industry, stable parameters, targets, and an institutional framework for assessment must be established in order to evaluate revenue creation, employment, and subscriber figures.

Understanding the value of thorough data in making well-informed decisions, we provide the following framework, complete with supporting data and suggestive metrics:

1.Measurement parameters:

- Economic Contribution: Evaluating the broadcasting industry's economic contribution is essential to comprehending its total influence on GDP and economic expansion. The GDP contribution, gross value added (GVA), and employment multiplier effect are indicative measures that can be assessed.
- Revenue Generation: Data on revenue generation sheds light on the broadcasting industry's sustainability and financial health. Income from advertising, income from subscriptions, and revenue from the overall industry are indicative metrics that can be assessed.
- Employment Generation: Metrics related to employment are crucial in assessing the sector's contribution to job creation and livelihood assistance. Total direct employment, indirect employment across connected industries, job creation patterns, and skill development institutions are some examples of indicative metrics for this.
- Subscription Figures: Knowledge about consumer behaviour and market penetration depend on subscription metrics. The market share, average revenue per user (ARPU), attrition rates, and subscriber count are the indicative metrics.

2. Targets: Towards more general economic goals, targets offer standards by which to measure achievement. Setting measurable goals is crucial to monitor the expansion and advancement of

the broadcasting industry over certain periods of time. The following should be the main objectives:

- Achieve a specific percentage increase in GDP contribution.
- A 300 million house increase in TV homes from the 180 million that exist today.
- Goals for revenue growth for every industry.
- Rates of subscription uptake.
- Employment generation (both direct and indirect).

3. Institutional Framework:

- National Statistical Agencies: Forming alliances and working together with national statistical agencies will guarantee the implementation of standardized techniques and the creation of data collection frameworks tailored to certain industries.
- Industry Associations: Work with industry associations to carry out surveys on a regular basis, gather information from relevant parties, and assist with data analysis.
- Research Institutions: Work together and form partnerships with research institutions to carry out studies that are sector-specific, project the growth of the industry, and assess policy actions.

The government would find it easier to fill in the data gaps in evaluating the broadcasting sector's overall contribution if the aforementioned framework were put into practice. This will facilitate informed decision-making by policymakers, industry stakeholders, and researchers, promote sectoral growth, and support general economic development.

Universal Reach, Indigenous Manufacturing, Skill development and Startups ecosystem

Q3. Please suggest the strategies to be adopted by the Government and industry for propelling the growth of broadcasting sector w.r.t. the following:

- i. Provisioning of affordable television services in 'TV Dark' households.**
- ii. Augmenting R&D capabilities and promoting indigenous manufacturing of broadcasting equipment.**
- iii. Employment generation with emphasis on skill development.**
- iv. Promotion of innovation led Start-ups and SMEs.**
- v. Any other related area/strategy**

Please elaborate with detailed reasoning.

Response: The government and business community can use the following tactics to support the expansion of the broadcasting sector.

1. Encourage investments in the field by offering forbearance: The DPO industry in India is highly competitive because there are a lot of DPOs in the country. For many years, DPOs have benefited the country, especially the cable TV industry. However, as of right now, Cable TV is subject to onerous NTO restrictions. This has reduced DPOs' business autonomy, making it harder for them to successfully satisfy market demands. Because DPOs have no control over retail service prices, investors are therefore disinclined to invest in distribution networks because to the uncertainty around potential returns on their capital.

Therefore, as previously established, the broadcasting industry should implement price forbearance, and a new regulatory framework should take the place of the NTO. Forbearance should be the cornerstone of the new regulatory framework, which would only govern areas where there is a potential for market failure or when service providers break agreements. This should be incorporated into the National Broadcasting Policy as a guiding principle for the industry's expansion.

2. Lowering Import charges on Optical Fiber: Lowering import charges on optical fiber equipment is essential to enable the development of broadband infrastructure required to provide television services. This cut will encourage connectivity and accessibility by lowering the total cost of constructing networks, especially in rural or underserved areas.

3. Offering Rewards to Cable TV Providers: Given the critical role that cable TV providers play in last-mile connection, it can be helpful to offer incentives like tax breaks or subsidies to encourage them to expand their services to "TV Dark" households. Operators will be encouraged to invest in infrastructure expansion if specific incentive schemes are used to emphasize the value of inclusive coverage. In order to give service providers the financial stability they need to increase the penetration of fixed line telecom services throughout the nation, the license cost for these services should also be removed. These steps will make it possible to connect TV dark households and enable their digitization, two goals that will be achieved.

4. Content Diversification on Linear TV Platforms: Broadcasting companies can better serve varied consumer preferences and increase viewer engagement and retention by offering a

greater variety of programming, including local and specialist content.

5. Make sure DPO and other platforms, including Free Dish, are on an even playing field in terms of regulations:

a. Free Dish's subscriber base has grown exponentially as well, reaching over 45 million homes at present. Although Free Dish offers the same services as DPOs, the Authority is well aware that it now enjoys an unfair advantage and does not follow the regulatory framework as it has been informed and codified by the Authority.

b. Because of this, the Private DPOs are subject to an uneven regulatory framework. As a result, the Authority is being asked to step in quickly and first suggest creating an even playing field between DD Free Dish and Private DPOs.

c. Since Free Dish provides the same services as regulated DPOs, it should be subject to the same regulations that apply to regulated DPOs, such as those pertaining to interconnection, tariff orders, and quality of service. Apparently, it is arbitrary and against the interests of both DPOs and customers to permit Free Dish to display and broadcast the identical services without being subject to any license or regulatory requirements, in contrast to the DPOs.

d. As a result, we implore the Authority to consider the current composite picture from a broader perspective while developing a licensing framework for Free Dish and make sure it is subject to the same laws as Private DPOs in accordance with the New Broadcasting Policy.

India as a Content and Uplinking Hub

Q4. What other policy and regulatory measures should be adopted in the policy for creation and expansion of quality Indian content to make India the 'Global Content Hub'? Further, suggest how to extend support to local talents and content developers in terms of training, infrastructure, and incentives. Provide your comments with detailed explanation.

Response:

1. Promotion of Local Content: Cable companies' local channels are an essential source of information and communication for the rural populace. It aids in ensuring that information travels from local to grassroots levels of government entities.

a. Platform channels are essential for informing the public about disaster management, and in the event that a single head end experiences problem, a number of platform channels can be used to alert the public about any upcoming disasters.

b. Platform channels are essential for raising people's awareness on a regular basis during a pandemic.

c. It also assists the rural populace in learning about government initiatives to create jobs in the area and policies aimed at uplifting the community by offering work possibilities.

d. Because local channels are an essential element of the rural population, they are one of the main instruments that operators use to combat competition from corporate media companies.

e. Additionally, as sharing local material can only aid in its promotion, the requirement of exclusivity for Platform channels in the recently announced rules and recommendations by TRAI regarding Platform channels should be loosened or removed.

2. Recommendations for providing infrastructure, incentives, and training to local talent and content developers: A diversified strategy is required to provide training, infrastructure, and incentives to local talent and content providers. The steps and full plan can be as follows:

a. Instructional Plans:

i. Skills Development Workshops: Plan training sessions and workshops aimed at improving the production, editing, dissemination, and creation of content by local talent.

ii. Industry Mentorship Programs: Create programs for seasoned experts to mentor up-and-coming talent, providing opportunities for networking and insights, advice, and support.

iii. Digital Literacy Training: Make sure local talent is up to date on industry trends and best practices by offering training on digital tools and technology necessary for content development and dissemination.

b. Infrastructure Development:

i. Content Creation Hubs: Create locations specifically outfitted with cutting-edge equipment for content production, like editing rooms, recording booths, and studios, and make them affordable to local artists.

ii. Digital Platforms: Create online galleries or markets where regional artists can present and charge for their work, giving them access to a wider audience at home and abroad.

iii. Equipment Accessibility: Lower entry barriers for prospective content makers by facilitating rental or equipment-sharing arrangements for filmmaking, broadcasting, and audio-visual equipment.

c. Rewards and Assistance Initiatives:

i. Grants and funds: To encourage innovation and originality in the development and production of original material by local talents, provide grants, subsidies, or seed funds.

ii. Tax Incentives: To encourage private sector participation and investment in the creative industries, introduce tax breaks or rebates for production businesses that make local content development investments.

iii. Funds for Content Development: Create special funds or financing plans intended just for the production of excellent local content for a range of media outlets, supporting a dynamic and varied cultural environment.

iv. Acknowledgment and Awards: Establish awards and recognition schemes to honour outstanding local content producers, showcasing exceptional people and encouraging further creativity and artistic expression.

d. Cooperation and Joint Ventures:

i. Public-Private Partnerships: Promote cooperation between public and private sector organizations, industry groups, and government agencies to combine resources, knowledge,

and networks to assist regional talent and content creators.

ii. Worldwide Collaboration: To promote co-productions, cross-cultural exchanges, and worldwide distribution options for local content, establish alliances with global organizations, production firms, and distribution networks.

iii. Academic Institutions: Form alliances with colleges and other educational establishments to incorporate media production and content creation courses into the curriculum, fostering the next wave of content creators and professionals in the field.

Through the implementation of the previously described strategies, the government can furnish local talents and content developers with complete support, thereby enabling them to unleash their creative potential, foster cultural enrichment, and propel economic progress within the broadcasting industry.

Q5. Suggest the measures to promote the uplinking of television channels owned by foreign companies from India, which is now permitted by the Government to make India an ‘Uplinking Hub’

Response: No comments

Public Service Broadcasting:

Q6. What broad guiding principles, measures and strategies should be considered in the NBP to strengthen India’s public service broadcaster (i.e. Prasar Bharati) to promote quality content creation, dissemination of DD and AIR channels and maximizing its global outreach? Also suggest, what support and measures should be provided for the proliferation of television and radio broadcasting services provided by the public service broadcaster in fulfilment of its mandate?

Response: As was mentioned in the answer to Question 1, it is past due that DD Free Dish, the largest DPO in the nation and purportedly serving 45 million households, be subject to the same regulatory framework as other DPOs. TDSAT has acknowledged this by designating DD Free Dish as a Licensee. If this unequal playing ground favoring DD Free Dish persists, it will negatively affect the future of the entire DPO industry.

Various Segments of the Sector

Q7. What policy measures and regulatory aspects should be adopted in the NBP to nudge the growth of Indian regional content through OTT platforms?

Response: India's rich and varied cultural heritage contributes to the demand for localized content. The demands of the market are being recognized by OTT content producers, who are responding to them in accordance with market dynamics. As a result, we think that content parity is needed. Cable TV platforms also to be allowed to show the contents available on OTT platforms.

Q8. What new strategies and measures should be envisaged in the policy for the film industry to enhance audience engagement, infrastructure development, upskilling artists, reduce piracy, increase foreign direct investment or any other aspect? What steps are required to make India a preferred filming destination? Provide your comments with detailed justification.

Q9. Online gaming being a rising sector holds potential for contributing to economy, what policy and regulatory aspects should be adopted for the orderly growth of online gaming in India? Further, suggest measures to support local game developers to compete and grow. Also suggest safeguards to protect general public (especially underage players) from negative and psychological side effects, while promoting healthy gaming.

Q10. What further steps and initiatives should be adopted by the Central and State Governments and the industry for the growth of animation, VFX and post-production segment? Provide your comments with detailed reasoning and justification.

Q11. What strategies and measures should be included in the policy for the music segment to enhance infrastructure development, upskilling artists, financial certainty and to resolve other challenges being faced by artists? What steps should be taken to encourage the global promotion of Indian music and artists? Please provide your comments with detailed reasoning.

Q12. What measures and strategies should be included in the National Broadcasting Policy to encourage expansion and ensure orderly growth and sustainability of FM Radio Stations and Community Radio Stations in the various cities of country including hilly

and border areas? In what ways the policy can facilitate the integration of digital radio technologies into the existing FM radio infrastructure to improve audio quality, functionality and spectrum efficiency?

Response: Q8 to Q12:

As the aforementioned questions are more industry specifics with respect to Film, Online gaming, VFX, music and FM radio etc., we have no comments in this regard.

Policy and Regulations

Q13. With the continuous advancement of technologies and convergence of the telecom, information technology and broadcasting sectors, what policy and regulatory measures are required, beyond the existing ones, to facilitate the growth of the broadcasting sector with ease of compliance? Elaborate your comments with proper reasoning and justifications to the following issues:

- i. To enable healthy and competitive environment amongst the existing and emerging services and ensuring parity among comparable distribution mediums, while being technology neutral.**
- ii. To allow and encourage infrastructure sharing among the players of broadcasting and that with the telecommunication sector.**
- iii. Any other suggestion for policy and regulatory framework.**

Response: No comment.

Combat Piracy and Content Security

Q14. What additional measures should be adopted to combat piracy and ensure content security through copyright protection in the broadcasting sector? How can the technology driven solutions be developed and deployed to prevent unauthorised distribution and detection of the source of original content. Provide your comments with detailed explanations.

Response:

- 1. Since content is the foundation of the broadcasting industry, one of NBP's main goals should be to safeguard it from piracy. The interests of all parties involved will be negatively impacted by any compromise with the same.**

2. In this context, one of the concerns that must be resolved revolves with the equipment used by the service providers, including CAS, SMS, STB, and other devices. The regulatory framework, which includes rules in quality of service standards and Schedules III and IX of the TRAI's interconnection regulations, must specify pertinent technical criteria. The regulatory framework's pertinent rules ought to be designed to stop any DPO from receiving equipment that isn't compliant.
3. A DPO that is discovered to be engaged in piracy should face severe penalties under the regulatory framework, including the denial of access to broadcaster channels. Because DD Free Dish offers unencrypted services, action must also be taken to stop any potential piracy problems.
4. By creating regional piracy monitoring offices under MIB that function similarly to TERM cells' LSA units, a framework for stopping pirate incidents can be put into place with effectiveness.

Digital Terrestrial Broadcasting

Q15. What policy and regulatory provisions would be required in the policy to enable and facilitate growth of digital terrestrial broadcasting in India. Stakeholders are requested to provide strategies for spectrum utilization, standards for terrestrial broadcasting, support required from the Government, timelines for implementation, changes to be brought in the current ecosystem and the international best practices. Please provide your comments with detailed justification and proper reasoning.

Response: Any new broadcasting services shall be introduced in accordance with the principles of a level playing field, according to the broadcasting policy. The implementation of Direct to Mobile (D2M) broadcasting services on the open spectrum allotted by MIB has been the subject of recent discussions. D2M service proponents assert that their offerings will relieve mobile network congestion. This is obviously untrue, as TSPs have added enormous capacity to mobile networks following the introduction of 5G services. Furthermore, the majority of traffic on mobile networks even now consists of video data, and these networks have been able to transport it without experiencing congestion. As a result, D2M services directly compete with TSPs and are not intended to relieve network congestion. Instead, they are direct replacements for TSP services.

Given the foregoing, advocates of D2M services seek to circumvent the licensing regulations that apply to mobile services in addition to constructing D2M services using free spectrum allotted by MIB to obtain an unfair edge over current service providers. The cable TV industry,

which has been supplying the services in accordance with the relevant legal framework, would likewise suffer from the provisioning of D2M services over the free spectrum and by avoiding the licensing system. Use of spectrum shall be only based on auction basis.

Audience Measurement and Rating System

Q16. How the strategies with respect to audience measurement and rating system in National Broadcasting Policy can ensure, address and encourage:

- i. Establishment of a transparent, credible, and technologically equipped television audience measurement system that accurately reflects viewer preferences and behaviour.**
- ii. Expansion of the sample size to adequately represent the diverse landscape of television viewership, considering the anticipated growth in TV households.**
- iii. Integration of data from non-linear sources from digital media to cover cross-platform content consumption habits.**
- iv. Establishing a policy framework for conducting radio audience measurement in India**
- v. Encouraging multiple agencies to ensure healthy competition and enhancing service quality of measurement and methodologies.**
- vi. Adoption and utilization of modern technologies.**

Response: To measure the viewing patterns of the nation's diverse population, a larger sample size is required. Consequently, the goal of the policy ought to be to increase variety in the audience measurement systems.

Because they may convey data to clients in both directions, service providers with the technological capacity to gather insights can play a major role in this respect. As a result, under mutually agreeable terms, these service providers ought to be permitted to gather such insights and disseminate them to the pertinent parties.

Grievance Redressal Mechanism

Q17. What other strategies should be adopted in the policy document for ensuring a robust grievance redressal mechanism to address and resolve complaints with respect to content as well as services effectively? Provide your comments with proper explanation.

Response: Given the intense competition in the market, we don't think any new regulations should be implemented. We think the industry needs to embrace a forbearance-based strategy because tight laws don't always result in the greatest outcomes for efficient grievance redressal.

Socio-Environmental and Disaster Responsibilities

Q18. What role the broadcasting sector should play to fulfil social and environmental responsibilities? Provide in detail the key focus areas and the strategies the sector should consider. Also provide strategies on the following specific issues:

- i. To empower Person with Disabilities (PwDs) to access the information and entertainment programmes.**
- ii. To encourage gender equality w.r.t. the participation and safety of the women workforce**
- iii. To raise awareness about the issues of marginalized tribal communities, minorities and LGBTs**
- iv. To adopt green broadcasting practices**

Response: No comments

Q19. Keeping in mind the immense role of broadcasting during disasters, how can the latest technologies be effectively utilized to provide disaster alerts and timely updates on television/mobile/radio during disasters? Elaborate with proper justifications.

Response: No comments

Any other Issue

Q20. Stakeholders may provide their comments with full details (measures/ strategies) and justification on any other subject matter which may be considered to be incorporated as the inputs for the National Broadcasting Policy.

Response: One of the main factors promoting growth and investments in the industry is ease of doing business. Examples of this include:

- a. Overhauling the regulatory system completely and introducing a new framework based on forbearance.
- b. To guarantee a level playing field for private DPOs that offer comparable competing services and PSU operators (DD free Dish).
- c. To guarantee that only auctions at prices set by the auctions would be used to allocate spectrum for broadcasting services.
- d. Creating a single window clearance and standardizing right of way (ROW) fees nationwide.
- e. Defining deadlines for clearances and permissions
- f. Automated online licensing and registration processes for regulations.
- g. Making it easier for Platform TV channels to advertise locally produced content.

Granting the cable and broadcasting industries "Infrastructure status."

Giving the industry "infrastructure statuses" will boost investment in the sector by increasing its profitability and have several ripple effects, including:

1. Building the infrastructure needed for cable TV companies to distribute content.
2. A greater number of cable TV providers are offering wired broadband, which will boost online service usage and economic expansion.
3. Provide job opportunities in the broadcasting, distribution, and content creation industries.

According to its "Infrastructure Status," the policy should promote investments and provide incentives for broadband over cable TV networks through low-cost financing, tax breaks, and expedited depreciation. Infrastructure Status to the broadcast sector will hasten the nation's economic and social development as well as the expansion of cable TV and internet infrastructure nationwide.

Spectrum allotment for broadcasting services: The legal structure ought to establish fair competition for all parties involved in running the broadcast ecosystem. A number of organizations use spectrum to offer broadcasting services. They have an advantage over other service providers since they can employ spectrum to deliver broadcasting services. For instance, because of their utilization of spectrum to provide nationwide coverage, DTH providers have been able to increase their average market share relative to cable TV operators. Furthermore, spectrum has substantial commercial value and is a national asset. Consequently, the regulatory framework ought to appropriately recoup the spectrum's cost, or its market value, from the service providers that utilize it to offer broadcasting services. Therefore, it is important that the regulations and guidelines provide measures for recovering the cost of spectrum through regulatory levies like license fees or upfront payment. Furthermore, it needs to be made clear that only auctions should be used to award such spectrum to preserve transparency. In addition to helping to preserve fair competition and increase ecosystem transparency, this will assist in compensating the National Exchequer for the recovery of spectrum costs.