

**ISPAI Response to TRAI's CP on Ease of Doing Business in the  
Telecom and Broadcasting Sector**

At the outset, ISPAI would like to take this opportunity to thank Telecom Regulatory Authority of India ("TRAI") for bringing out this extremely pertinent and important consultation paper on Ease of doing business in the Telecom & Broadcasting sector that seeks a holistic review of the current bottlenecks to improve inter-ministerial coordination and streamline various compliances related to the telecom & broadcasting sectors.

Broadly, we would like to recommend the following to improve Ease of Doing Business (EoDB) in the broadcasting sector:

**Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

**Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.**

**ISPAI Comments:**

One of the crucial aspects of improving business conditions is to reduce the number of approvals, permissions required and avoiding the use of administrative fees as a

source of revenue maximization. Also, the automation and speeding up of basic processes, will encourage faster business decision-making in the sector making it more competitive.

**a. Introduce a fully functional and integrated “single window” clearance system:**

The greatest need of the hour in terms of administrative processes is to introduce a truly effective and meaningful online “single window” process wherein all relevant documents and fees can be uploaded, and the permission be issued online in a time bound manner. The portal should be one-stop solution for all approvals and permission and should be seamlessly integrated across various ministries/departments with the end-to-end online system. Though the Ministry has taken steps such as introducing “The Broadcast Seva” portal, the implementation and effective use is awaited eagerly by the sector. Currently, the broadcast seva portal doesn’t serve as a single window clearance system and the filing of application requires submission of documents in physical format with no clear timelines defined.

The entire process involves approvals of multiple set of ministries and departments other than MIB, such as Ministry of Home Affairs (“MHA”), Department of Space (“DoS”), empaneled auditors of MIB, Ministry of Corporate Affairs (“MCA”), Ministry of Finance (“MoF”) Wireless Planning Commission (“WPC”) and National Operations and Control (“NOCC”). The involvement of multiple ministries causes delay in getting approvals as they do not stick to any stipulated timeframe and also derails business planning and payment of valuable forex to foreign satellite operators. Therefore, it is suggested that the WPC and NOCC process should also be brought online and integrated into the single window clearance system that enables the filing of applications online with MIB and the concerned Ministries/Departments are asked to give their comments online through intranet amongst ministries. The entire process should be time bound so that satellite TV businesses can take time sensitive decisions.

**b. Broadcast seva portal should allow submission of documents with digital signatures:**

The Broadcast Sewa portal allows the broadcasters to submit various applications although documents such as affidavits and undertakings but still requires them to be submitted in original hard copies. This defeats the entire purpose behind ease of doing business as despite online submissions, physical submission of certain documents is still required for processing the application. It

is suggested that digital signatures be accepted and accordingly, any document bearing digital signatures be allowed to be submitted online.

**c. Change of Name and Logo should be substituted from “seeking prior permission” to “giving prior intimation”:**

The dynamic nature of the satellite TV broadcast sector needs to respond to the ever-changing consumer interests, tastes and preferences based upon weekly system ratings. Hence, broadcasters require to adjust accordingly and thus, change the name and logo of their channels as they innovate upon the content being delivered through the TV channels. In view of the same, the process needs to be simplified and streamlined through the following:

- If there is no change in the applicant company’s name and there is mere change in name and logo of any channel with no change in the technical parameters of an on-air channel i.e. no change in teleport, no change in frequency, no change in satellite or transponder or no dual illumination involved, a mere intimation with the prescribed processing fee (if it is changed within a year of getting license) should be required. While intimating the applicant may be required to submit proof of Copyright and Trademark for the changed name and logo.
- In the case of only change of name and logo the endorsement by WPC/NOCC should be done away with and instead a process of mere “intimation” should be introduced as WPC/NOCC require updation of records at their respective ends. Once MIB acknowledges the change, the endorsement of WPC and NOCC of such change on the license of the teleport operator should only be for record keeping purposes.
- As for the requirement of applying for trademark registration of the logo of the channel, it is suggested that the same be done away with. The rationale being that if the incumbent broadcaster adopts a channel logo which infringes the trademark of another entity, the same will be challenged by the said entity. If a court finally adjudicates that the logo adopted by the broadcaster indeed infringes the mark of another entity, MIB can ask the broadcaster to change the logo of the channel or revoke the permission.
- In case of change in name and logo of a channel where there are technical changes involved then the said changes alongwith the change in name and logo of a channel should also be applied online. Requisite permissions should be issued by MIB, DOS and DOT (WPC and NOCC) online within a fixed time frame

**d. Change of Format and Language:**

- Once a broadcaster has acquired necessary up-linking and downlinking permissions, the change in language of TV channel should be permitted based upon an intimation by the respective broadcaster to MIB as any programming or content, in any language, is subject to the self-regulatory mechanism including adherence with Code for the programming and content. Hence instituting any heavy-handed regulatory structure for it than what already exists would not be consistent with the ease of doing business.
- Once a broadcaster has acquired necessary up-linking and downlinking permissions, it may be allowed to broadcast different variants of a TV channel such as SD, HD, 4K etc when the TV channel programming remains the same in all versions. Notwithstanding, the Ministry may require the Broadcaster to pay separate fees for each of the formats.

**e. Licenses should be transferrable within a stipulated timeframe–**

Companies usually restructure through merger, demerger or amalgamation so as to enhance the operational efficiency of that organization. There is a need to align the up-linking and downlinking guidelines with provisions of Companies Act. Sections 230 & 232 of the Companies Act, for the compromises, arrangements and amalgamations, provide that a notice of the meeting of shareholders and/or Directors along with scheme of compromise, arrangements and amalgamation (including merger or demerger) and other documents as may be prescribed, are mandated to be sent to all the Regional Directors, the income tax-authorities, the Reserve Bank of India, the Securities and Exchange Board, the Registrar, the respective stock exchanges, the Official Liquidator, the Competition Commission of India, and such other sectoral regulators or authorities (which would include the TRAI and MIB) which are likely to be affected by the compromise or arrangement. It is further required that representations, if any, by such authorities shall be made by them within a period of 30 (thirty) days from the date of receipt of such notice, failing which, it shall be presumed that they have no representations to make on the proposals. Hence, in view of the above and to improve the ease of doing business in the sector, we suggest the following:

- i. If both the transferor company and transferee company are holders of permission for up-linking of a TV channel under up-linking and downlinking guidelines, then, the Ministry should grant permission for transfer of the permission held by the transferor company to the transferee company within the thirty day period set forth under section 230 of the

Companies Act, 2013, subject to the net worth criteria being met by the transferee company post approval of the amalgamation, merger or demerger being approved pursuant to the provisions of the Companies Act.

- ii. Similarly, in case of transfer of business or undertaking in whole or part by way of a slump sale or an asset transfer, if both the transferor company and the transferee company are holders of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, the Ministry should grant approval within a stipulated period of 15/30 days' subject to the transferee company meeting the net worth criteria.
- iii. In so far as the transferee company is not a holder of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, The Ministry should make its representation to the proposal for merger, demerger, etc. within the time stipulated under the provisions of Section 230 of the Companies Act, 2013. Else it should be presumed that the proposal is approved subject to security clearance and net worth criteria being met

**f. Streamlining the Temporary Uplinking process for sporting events and removal of any processing fee charged for the same:**

The sports broadcast business is primarily based upon making available live sports events. Presently, sports channels are treated as “non-news and current affairs” channels for the purpose of licensing by MIB and hence have to seek temporary permission for live uplink like any other channel in this category. The concern that arises over here is that as against other channels in the “non-news and current affairs” category such as GEC among others, the primary activity performed by sports channels is to reach consumers with live sports events. In view of the above, it is suggested that:

- MIB should consider permitting issuance of short term/ temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event and entertainment events in various languages) and also to assure audiences regarding the availability of overlapping live events (including events of national importance).
- The processing fee per channel per day for temporary uplink charged by MIB for a live event should be done away with. MIB vide order dated Dec 13, 2017 has introduced a processing fee per channel per day for temporary uplink of a live event of Rs 50,000 for Regional channels and Rs 1,00,000 for National Channels. As Sports channels usually consist of live sporting events and cater

to various regions, the amount being paid by broadcasters towards temporary uplinking fees is mammoth which runs into 4-5 crore per sporting event. The broadcaster pay charges of frequency allocation in WPC and monitoring changes by NOCC, through the teleport operators who in turn charge the broadcasters. This is a deterrent to development of sports in India.

- A separate permission should be issued for sports channels, by which such sports channels (having majority of content as live sports) can up-link from any location in India at any point of time without the need to seek individual permissions for every single match and venue. This would bring them at par with the “news and current affairs channels” as both are engaged primarily in live broadcasts.

It should also be noted that most times when sports channels seek temporary uplink permission the same is being done to broadcast “events of national importance” as notified by MIB. Therefore, it is incumbent that the time consuming and cumbersome process for temporary uplink of sports channels be changed as per the suggestions given below:

- In the present regime the broadcasters are forced to get prior approval from three different bodies, MIB, WPC and NOCC even for minor changes. Such a mechanism does not encourage world class entertainment events or sporting events to be live broadcast by Indian channels.
- Sports broadcasters should be allowed to broadcast live sporting events by way of a self-declaration stating that it will only live up-linking sporting events and no news or news related content shall be carried on such feed.
- For both sports and GEC channels: Applicants should merely intimate and get approval of the MIB within a prescribed time limit by giving macro details of the event which include, name of the tournament and teams involved, start and end date, details of the venue etc. and a self-declaration that the live feed will only consist of sporting or general entertainment events. Within the total approved calendar schedule if there is any last minute change (due to unavoidable reasons like rain, law and order etc.), the sports broadcaster should merely be asked to intimate rather than wait for last minute amendment and approval.
- Sports broadcasters should be permitted to seek temporary up-linking permission for their entire annual calendar of sporting events in one go.
- It is suggested that the period of 15 days prescribed for filing an application for temporary uplinking on a non-news channel should be reduced to a



period of 7 days as there are many sports events which do not have clarity in respect of the schedule 15 days prior to the event.

- A broadcaster should be allowed to use single frequency in “Multi Channel per Carrier” (“MCPC”) mode for sending more than one contribution feeds from the venue. This will help better utilization of the bandwidth and allow advanced technology of multiple camera feeds etc. to be provided to the viewers by the broadcaster.
- A broadcaster should be allowed to use the same transmission frequency of a satellite transponder for which it may have the appropriate frequency approvals to be used for sending contribution feeds from the venue to the teleport in a reverse direction. This technology allows for utilizing the same transponder for contribution that is used for channel transmission and thus increases the efficiency of utilizing satellite capacity.
- Also, in order to support varying business needs and consumer experience, MIB should consider permitting issuance of short term / temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event in various languages) as well as assuring audiences the availability of overlapping live events (including events of national importance).

**g. MIB should allow payment of annual renewal fees for the entire period of validity:** The Annual Renewal Process for satellite TV channels needs to be simplified in order to improve the ease of doing business in this sector. It would be appropriate if annual renewal fee for 10 years shall be payable at single go, while issuing fresh licenses. In addition, necessary provisions can be introduced whereby permission granted to broadcasters can be withdrawn by giving prior notice even when broadcaster has permission for longer period.

**h. Clarification on non-applicability of DoS approval on applications filed for shifting of channels to an approved teleport:**

- As per the notification dated February 22, 2017 issued by the Ministry of Information & Broadcasting in respect of Clause 9.2 of the Uplinking Guidelines whereby the condition to seek DOS approval has been waived. However, considering that the Clause 9.2 relates to Process for Obtaining Permission for new channels, we would sincerely appreciate if MIB could provide clarification that the said exemption on DOS approval shall also be applicable to the existing permission holders who seek to move the permitted

channel(s) to an approved teleport. Further, in order to simplify the process, there should be an online facility where all approved teleports/satellites should be listed.

- Similarly, foreign satellites are currently permitted to provide services only after the same have been coordinated with ISRO. MIB could thus obtain list of such Foreign Satellites from DoS which are coordinated with ISRO, and the list of such Foreign Satellites could be made available on MIB's website. Broadcasters could then be aware on the list of permitted Foreign Satellites, and avail services only from such permitted Foreign Satellites for uplinking of signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB's process for approving new channels or change of satellite (in case of permitted channels), wherein they could refer to such list of Foreign Satellites rather than sending the file to DOS on each occasion.

**Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes**
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- c. Precise and well-documented timelines along with the possibility of deemed approval**
- d. Well-defined and time bound query system in place**
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

**Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.**

**ISPAI Comments:**

We welcome TRAI's initiative to promote 'Ease of doing Business in Telecom'



as it is a giant step forward taken by it to unshackle the sector from its archaic laws, rules, policies & regulations.

We also welcome the leadership and vision of Government of India which has been instrumental for ushering in much needed “Telecom Reforms” under the dynamic leadership of our Hon’ble Prime Minister which would go a long way in realizing the vision of Digital India.

Though lot of steps are already being taken both by the Regulator in framing forward looking regulations as well as by the DOT in framing forward looking policies which lay emphasis on innovation and equitable growth of the sector, however ISPAI feels that it may be important to identify the bottlenecks/obstacles that are perhaps acting as an impediment to Internet & Broadband penetration which perhaps could be overcome through intervention by the Authority.

**Issues for consideration:**

**A. Policy Issues:**

**1. License Fee related Issues:**

License Fee on Internet services should be exempted for next five years to achieve proliferation objectives. Alternatively License fee on rural broadband and fixed wireline (including FTTH) broadband should be exempted.

**2. License fee dues demand made by DOT on various ISPs having MSO/LCO authorization:**

In this regard, it is humbly submitted that MSOs and LCOs, are duly licensed by Ministry of Information and Broadcasting (MIB)/Post Office to provide digital cable TV services, which is their primary business and Internet is being provided only as Value-Added Service for the convenience of their customers, which forms a very miniscule part of their total revenue. Unfortunately, in the wake of the judgment delivered by Hon’ble Supreme Court in Union of India V/s Association of United Telecom Service Providers of India etc., which was not applicable on ISPs, DOT has raised license fee demands to our member-ISPs on their MSO/LCO revenues

which is unjust and need immediate review. This issue is pending adjudication in TDSAT and needs to be resolved at the earliest. If the demands are not withdrawn, these ISPs would have to close down, leading to:

- Blackout of 70 million approx. cable homes across India;
- Loss of livelihood of 1.5 lakhs approx. Local Cable Operators;
- Loss of livelihood of another 8-10 lakhs people, who are directly /indirectly connected with Cable business like LCO boys, Technicians, Line man, Employees of Muti System operators and their families etc;
- Severe impact to the proliferation of Broadband through Cable operators in tier 3 and tier 4 cities;

### 3. Taxation Issues:

- **Rationalizing GST charges on rural broadband:** GST on rural broadband and fixed wireline (including FTTH) broadband services should be exempted or minimized for a period of five years subject to review.
- **GST on license fee paid to Government:** CGST Department is issuing notices to ISPs to pay GST on AGR on RCM basis w.e.f. 1<sup>st</sup> Jul 2017. This is against ease of doing business particularly for smaller ISPs /Cat B VNOs as CGST intends to charge Penalty, Interest and interest on Penalty from 1<sup>st</sup> Jul 2017 onwards. It needs to be reviewed whether there is justification of levying GST on license fee paid to the Government by telecom licensees.
- **Allow Passive and Active infrastructure sharing under ISP license / UL-ISP / UL (VNO- ISP) Authorization:**  
DoT on 31-03-2021, has amended the terms and conditions of ISP licenses to permit active infrastructure sharing. Through this amendment, a new condition has been inserted in the ISP licenses stating that “Active infrastructure sharing will be limited to Wi-Fi equipment such as Wi-Fi router, Access Point etc. Sharing of backhaul is also permitted.” Limiting active infrastructure sharing to backhaul and Wi-Fi equipment may not yield the expected benefits. Therefore, ISPAI recommends that active and

passive infrastructure sharing to the ISP licensees should be on the same lines as that permitted to access service authorization under Unified License.

**4. Light Touch Regulations for licensing should be kept for small and medium ISPs.**

**5. Phase wise Mandatory Testing and Certification of Telecommunication Equipment (MTCTE):**

TEC vide its notification dated 22-09-2021 has announced Mandatory Testing and Certification of Telecommunication Equipment (MTCTE) for Phase III and Phase IV wherein the certification for telecom equipment covered under phase III will be mandatory with effect from 1st July 2022. For telecom equipment under phase IV, the EMI/ EMC and safety certification for telecom equipment would be mandatory with effect from 1<sup>st</sup> July 2022, also ER parameters would be mandatory with effect from 1<sup>st</sup> July 2022. In phase -III of MTCTE, TEC has reduced the timeline of acceptance of ILAC lab reports from five years to two years and in phase IV requirement for acceptance of these reports have been totally removed vide its notification of May 2021. Further, there is a potential delay in testing and certification due to large quantum of products under phase III and IV of MTCTE considering the capabilities of CABs to test and the OEMs to comply. We also understand that all major OEMs/ Equipment vendors are not ready to apply and get the necessary EMI/EMC and safety certifications for phase III and IV implementation.

In view of the above submissions, ISPAI requests as follows:

- Allowing 5-year-old reports for initial applications in phase III and IV as this will enable smoother transition of investment from ILAC to CAB test labs instead of likely disruption that will be caused by this abrupt removal of ILAC acceptance and nullifying industry investments and impacting business continuity of our members.
- For products introduced in the market before the MTCTE ERs become effective, earlier versions of the standards may be accepted to ensure

business continuity and the products whose ERs are yet to be uploaded on the portal to be introduced in future phases.

- We request to allow a minimum of 18 months to comply for Phase 3 and 4 in addition to a tiered approach for implementation from the date when product ERs are made mandatory.
- In addition to the tiered approach, it is our recommendation that for the duration in-country testing is completed and under certification, TEC should allow the import of the product based on test reports. This would help reduce the disruption to the business that the strict timelines provided under Phase II and IV.

## **6. Incentives:**

To promote the spread of wireline internet across the country. We recommend that the Government incentivize spread of internet especially in rural areas.

Some of the incentives we recommend are:-

- a. Reduced taxation on imports of Internet related equipment etc.
- b. Incentive for local manufacture of such equipment
- c. Reduced incidence of taxation on OFC and associated equipment.
- d. Allow income tax incentives, similar to sec. 80-i-A for creation of infrastructure across the country for next 10 to 15 years, which will increase investment in telecom infrastructure.

## **7. Security Audits Conducted by TERM Cells:**

Currently, TERM cell of each LSA conducts security audit annually to check the compliance of the licensee with respect to Security Conditions stipulated in the license. Each Circle level audit covers the complete list security conditions, irrespective of the fact whether a particular compliance is managed by a licensee at central or circle level.

However, over the years, Telecom TSPs have centralized most of their operations, which include network and security management. For example, TSPs manage their networks remotely from their Centralized Network Operations Centers (NOCs). The centralization of operations has helped operators to achieve operational efficiency by optimizing their resources

and to rapidly adopt best practices in their pan India operations in a more effective manner.

In this regard, DoT has also recognized the centralization (in operations of TSPs) and through its license amendment, has allowed access service licensees to install network and switch anywhere within India.

However, contrary to the centralization in operations of Telecom Service Providers, TERM cells are required to conduct security audits at Circle/LSA level (for each and every compliance) despite the fact over 90% of the processes audited in the circle level audits are being managed at Central Level. As a result, same central teams of operators are required to be present in the security audits conducted by each TERM Cell to explain the same artefacts, which is nothing but a huge wastage of resources both at DoT and TSPs.

**ISPAI Suggestion:** It is a high time that Security Processes which are managed centrally (i.e. over 90% of the total processes), are audited at a Central Level audit while TERM Cells can audit rest of the processes, such as physical assets at the Circle level. This will ensure that while all the security related compliances are audited by DoT, there is no duplication of efforts at DoT and TSPs.

#### **8. Annual License Inspection:**

Each TERM Cell conducts annual inspection of the various licenses (Access, ISP, NLD/ILD) at Circle Level. The objective of these annual inspections is to assess the compliance of the licensee on the basis of filled inspection form and data provided by a licensee. However, similar to security audits, most of the data/information sought during the inspections can be provided by the Central Offices of TSPs (common for all the circles) as most of the operators have centralized their operations.

Thus, it leads to a huge duplication of efforts at DoT and TSPs to provide the same common information to all TERM cells for their respective license inspections. Moreover, the information sought during the inspections can be provided in Digital form.

**ISPAI Suggestion:**

Similar to Security Audits, we submit that License inspections (Access, ISP, NLD/ILD etc.) can also be conducted at Central level as most of the processes are being managed by TSPs at Central Level.

We suggest that only circle specific data be considered to be given for inspections at LSA level to make it effective and efficient for both TSPs and DoT. This would be a major step towards easing the compliance requirement without compromising the scope of such inspections.

We also suggest that data should be required to be provided only in online mode for these inspections.

**9. Software Updates:**

As per the below clause in the Unified License, all the major software updates conducted in the network have to be informed, within 15 days, to the licensor:

*39.9 (iv) Keep a record of all the software updating and changes. The major updating and changes should also be informed to Licensor within 15 days of completion of such updating and changes.*

The above condition in the Unified License creates huge operational challenges in the operations of the TSPs, where regular software updates are required to be done to optimize the functioning of various network elements like RAN, Core, MSC/IMS, IN etc. It is notable that license even does not require a licensee to inform about the installation of new network node to licensor. Thus, the above license clause is effectively an onerous requirement on the licensee by mandating to inform about every major software change taking place in the network node.

**ISPAI Suggestion:**

The licensing conditions put the onus of ensuring security of the networks on the TSPs and hence it is their responsibility to ensure that any updates



on the existing software are carried out in a manner that it doesn't have any impact the functionality of the elements in existing Live network. Therefore, we believe that the requirement of informing licensor about the software updates must be done away as it creates huge operational challenges.

#### **10. Requirement of LI testing:**

In terms of the below condition in the license, licensee have to conduct demonstration for Lawful Interception facility in each LSA to obtain clearance from the licensor:

##### ***"7. Provision of Service:***

*..... Any service permitted under scope of License Agreement, shall be commenced by the Licensee after giving an intimation to do so to the Licensor. However, the compliance to the scope of the License and requisite monitoring facilities will be demonstrated to the licensor within 90 days from the date of receipt of such intimation from the Licensee."*

All the TSPs today have Pan India services and they have the same systems/functions installed across the circles. Hence, demonstration of Lawful Interception in every circle creates duplicity in the efforts of Security Agencies, DoT and TSPs.

#### **ISPAI Suggestion:**

Instead of circle-wise Lawful Interception (LI) demonstration, it should be conducted centrally for a TSP and basis the compliance of the system to the LI requirement (as demonstrated in central demo), the LI clearance should be issued for all the circles.

#### **11. Requirement of intimating location of ISP Nodes:**

As per the below condition prescribed in the ISP License, licensees are required to report the location details of ISP nodes or Point of Presence on a quarterly basis to the licensor and in case new nodes are to be installed, one-month prior notice has to be given to the licensor.

*“6.1 The licensee shall provide to the licensor, a quarterly report indicating the details of ISP Nodes or Points of Presence with their locations and number of broadband / leased / dial up subscribers. In case new nodes are to be installed, one-month prior notice is required to be given to the licensor.”*

In the recent years, there has been a huge rise in the internet traffic due to consumption of video content and growing user base. To meet the growing demand, the licensees are required to constantly upgrade their networks by adding new nodes.

Hence, it has become practically impossible to give one-month notice to the licensor prior to the installation of any node. Moreover, due to the ever expanding ISP networks, the clause to report internet nodes/Points of Presence on a quarterly basis has also become impractical to comply. It is notable that no such requirement, is present in Access Service or other licenses, w.r.t. prior notice for installation of node or to give a quarterly report of the nodes.

### **ISPAI Suggestions:**

We submit that the above requirement in the ISP license to submit quarterly report of ISP Nodes/PoPs and one-month prior notice for installation of new node should be removed from the license as it is not practical to meet this requirement considering the current pace of growth of the networks. We suggest that the requirement of updating licensor about the ISP nodes can be fulfilled in the annual license inspection.

### **12. Remote Access Permissions:**

As per below license clause, licensees are required to take prior permission from DoT before giving remote access of their network to the locations outside India.

*“39.23 (xi) The Remote Access (RA) to network would be provided only to approved locations abroad through approved location(s) in India. The approval for location(s)*

*would be given by the Licensor (DoT) after satisfying itself about the appropriateness”*

However, need for remote access (to locations outside India) arise only in distress situations wherein emergency support is required from the experts to troubleshoot network faults which are beyond the expertise of the local personnel. In this regard, major OEMs today have established their office in multiple countries located in different time zones. Also, these OEMs keep on adding/shifting their offices as per their business plans and various dynamic factors which have emerged after Pandemic.

**ISPAI Suggestion:**

Considering the above dynamic factors, licensee should be required to only intimate the licensor about the new foreign location for Remote Access (instead of taking prior approval). We believe that it will still meet the security requirements as TSPs will be storing the complete access logs of the remote access activity.

**13. FDI compliances:**

As per Clause 1.2 of the Unified License

*“The Licensee shall declare the Indian & Foreign equity structure (both direct and in-direct) in the Licensee company and submit a compliance report regarding compliance of FDI norms and security conditions on 1st day of January and 1st day of July of every year to the Licensor in Proforma as may be prescribed from time to time. This is to be certified by Company Secretary or Statutory Auditor, countersigned by duly authorized Director of the Licensee Company.”*

TSPs submit this compliance on a bi-annual basis. This requires submission of shareholding pattern and paid up capital information along with compliances for various security conditions for each license holding.

Considering even listed companies take a significant amount of time to prepare such shareholding certificates and paid up capital certifications, TSPs, should be given adequate time (minimum 30 working days) to submit

these compliances and should have to do so only once a year. Furthermore, they should be able to make these submissions online so as to ease the whole process.

**ISPAI Suggestion:**

In view of the liberalization of FDI norms in the sector, we submit that the requirement of submitting FDI compliance should be changed to an annual basis to reduce the compliance burden on TSPs.

**B. Operational Issues:**

**1. Infrastructure Creation & Sharing-:**

❖ Sharing of active infrastructure:

In last couple of years, based on TRAI recommendation, DoT has allowed sharing of passive and some of active (limited) infrastructure. Presently there are still some restrictions on the sharing of both active and passive infrastructure between various telecom operators and infrastructure providers. This has resulted in unnecessary duplication of infrastructure. Current the need is to allow full fledged sharing of infrastructure instead of it being done in a limited way.

All infrastructure/ equipment sharing should be permitted across all licenses (including Internet Service Providers) without any restrictions, to ensure effective and efficient usage of costly telecom equipment/infrastructure built. This will ultimately lead to more efficient utilization, leading to reduction in OPEX for service providers and better business case for infrastructure creators.

❖ Framework needed for structured overhead OF Cable network

- 2. Permission to use IPv4 by UL ISP, UL (VNO) ISP and UL (VNO) Access being owned by other entity including our own sister concern, customer, franchisee** – Most Users are not interested in using IPv6 as their equipment's are not capable as well as they don't have the knowledge, as such IPv4 usage is must for increasing the proliferation of broadband.

ISPs are even ready to give undertaking for use of these IP in regards to security concern.

### **3. Lawful interception and Monitoring and other compliances:-**

We in the industry are fully mindful of the fact that safety and security of our country are paramount. Lawful Interception and Monitoring plays an important part as a tool in hands of the security and policing agencies. The hardware, software and other tools required to monitor, record and analyse the complete traffic specially keeping in view that technology is evolving at a very fast pace, are very expensive.

We in ISPAI fully support the efforts of the Government in this regard. ISPAI is an association of ISPs with most of the ISP's being in the category of Category B and C. Most of the ISPs do not have the technical know-how as well as the financial resources to comply with emerging security requirements. We are of the view that the Government's purpose would be better served by having central large monitoring centres functioning under CDOT.

We also recommend the following:-

- With very voluminous data being generated and increasing day by day, it is required that issue of storage of logs by ISPs be reassessed and should be kept as one year.
- Centralized Inspection and compliance check by DoT field units for pan-India licenses like ISP Cat A, NLD, ILD licenses will greatly reduce compliance costs and work cutting out infructuous activity and exemption for Cat C ISPs/Cat B VNOs.
- List of trusted sources and trusted products needs to be issued by Designated Authority.

**Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.**

**ISPAI Comments: No Comments**

**Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?**

**ISPAI Comments:**

1. Licensing & Financial Conditions should be kept minimum for small and medium telecom infrastructure providers
2. Financial Support should be provided to small and medium telecom infrastructure providers to encourage them create their own infrastructure and maintain quality of services.

**Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:**

**a. What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?**

**b. What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?**

**ISPAI Comments:**

India is located at a strategic and geographically significant position in the global submarine cable network, where every cable system that connects to Europe and South East Asia inevitably has to transit through it. As these cables play a pivotal role in carrying the data across the world, therefore, the maintenance, repair, and installation of the cable network within the Indian boundaries is crucial for India's economic and digital growth.

**In order to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults, we suggest the following:**



1. Other than Naval clearance/ Customs/ONGC clearance at port, all other permits should be made "pre-permits" so that the Telecom Operators can obtain them in advance for a longer period of not less than one year.
2. For a typical cable repair there are total 11 permits and approval requirements. it is important to consider pre-approval for few them so that the Telecom service provider need to get only essential approvals/permits only at the time repair. This will help the critical cable repair in shorter time to minimize the impact on the communication.
3. **A single window clearance** for all the required permits could also be looked into as one of the probable solutions to significantly reduce the turnaround time. To the extent possible, the application for all these clearances should also **be made "on-line"**.
4. Most of the South East Asian countries, permits are obtained within 1 - 3 weeks, while in India it takes minimum 8-12 weeks, which is very high and detrimental to our Internet/IPLC traffic restoration. Measures to bring down these timelines is the need of the hour.
5. As the engagement of cable maintenance agency for maintenance of undersea cables/cable networks and restoration of faults is a perpetual, therefore a mechanism could be created where-in the maintenance agency is given the **permits for a longer duration with auto-renewal facility**. The TSP should only be required to notify and seek the approvals for any changes occurred thereafter; on the on-going basis.
6. Naval and Customs clearance typically take one-week time. To save on time, ONGC clearance being an operational clearance, can also be obtained in parallel. At present, it happens only post the receipt of Naval & Customs clearance. Additionally, ONGC should be clearly advised to give clearance within one week from the date of application.
7. SPL (Specified Period License) is being obtained from DG shipping. However, presently there is no Indian Flagged vessel available for the engagement of sub-sea cable repair. Therefore, this process of getting permit can be condoned till the time we have an Indian flag vessel available for this work.
8. In addition to this, there is a big concern related to high cable cut incidents due to fishing activity in the Indian territorial waters. Almost all the cuts in the EEZ zone (between 30 Kms to 150 Kms) are happening due to fishing activities. Presently we don't have any coordination with Fishery department / Fishing communities. In this regard, we suggest the following: -

- i. Some guidelines are issued so that a channel is established for information sharing between the Fishing entities, where-in they are informed about submarine cable routes.
  - ii. Cable routes should be demarked as no fishing zones. RPLs (Route Position Locator) – Coordinates details) can be shared by TSPS for this purpose.
  - iii. Moreover, as the cost of restoration is considerable, accountability should be fixed in case any damage happens to cables due to negligence by some entity.
- Considering that the tools and machinery including the vessel are of specific configuration for a "sub-marine cable installation and repairs"; an exemption in customs formalities is required. More so, because the import and export being a very complex procedure and time consuming at the same time, may hugely impact the telecom services in the country; if any fault in the submarine cables remain unattended for longer periods.
  - The vessel being very specific and distinctive; and will always move-out of Indian waters once the repair / installation is completed. Therefore, Indian Customs should waive the requirement of Importation of vessel, and the customs duty if any; should only be applicable on the consumed stores in the Indian waters.
  - Vessel conversion (from International run to costal run) should not be required, as the vessel stay is limited in Indian waters, and this requirement should be exempted.
  - Applicability of GST also needs clear exemption, as no such value added taxes are being imposed in any other country in its territorial/EEZ waters.
  - Almost 100% of the cable repairs are happening within 150 Kms from the shore end in the EEZ waters. Across the globe, customs are not applicable in EEZ waters. An extension of Indian territorial water limits from 12 nautical miles to 200 nautical miles by Indian Customs department, will be detrimental for all cable repairs as then the customs will come into play.

**Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:**

- a. In-transit permits
- b. Pre-repair permits
- c. Post-repair permits

**Provide your suggestions for each activity separately.**

## **ISPAI Comments:**

### **a. In-transit permits**

- As the vessel is coming for a specific purpose and period, it will leave the Indian waters as soon as the task is completed, so it is requested to consider the vessel engaged in cable repair operation, as "In-Transit" so that we can minimize the permit requirements.

### **b. Pre-repair permits**

- MOHA and MOD clearance should be issued as pre-permits for at least 1 year with auto-renewal facility. The TSP should only be required to notify and seek the approvals for any changes occurred thereafter; on the on-going basis. Looking at the dire consequences of delay in permissions and no foresight as to when such approvals are issued, it is critical that clear timelines are also defined, so that the approvals are provided in a time bound manner by the respective Authorities.
- Though, the MoD & MoHA application process has now become online since last one year, however the portal doesn't support bulk uploading, that makes the entire procedure time consuming and cumbersome. For MoHA application, several details of each crew member (200 to 350 members) are to be manually filled in the online forms along with the requirement of uploading few documents. This entire exercise could be simplified by way of providing a feature on the MoHA portal; especially for the TSPs (as the number of applications are quite high) that supports bulk uploading instead of having manual entries.
- Similarly, for MoD portal, a feature is required which supports bulk uploading of Ship and other details/ documents that are required as per the online form. This will immensely help in easing out the entire application process.
- Also at the time of submitting the applications for renewal, the service providers are required to fill in the details all over again for each crew member and the Ships on the respective portals. There is no feature which supports seeking renewals for the already existing permits; where the details could be pre-fetched based on the already available data. This feature could be very useful and will significantly reduce the time and efforts.

### **c. Post-repair permits**

- Any operator engaged in the repair of their submarine cable has to take NOC from the ONGC due to threat of damage to their installations. Post repair, ONGC should give the clearance within a fixed timeframe. At present, the entire process is open-ended and no timelines are fixed; where-in ONGC could raise disputes at any point of time in future.

A process may also be defined where the Operator could report the completion of the work to the Naval and Customs departments for their records.

**Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:**

- a. Relevance of EMF radiation audit and its impact for quick roll out of the network**
- b. Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field**
- c. Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.**

**ISPAI Comments:** No Comments

**Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.**

**ISPAI Comments:**

In addition to our comments to Q2 above, we would submit following suggestions to facilitate investors in exploring possibilities of business opportunities in the field of telecom:

- Central/State Government /Local Authorities should provide proactive information related to industrial corridors/SEZs/Smart cities to private investors. Example: Government of Japan has established telecom infrastructure along

sewage pipeline and in Europe, utility corridors are developed beside national highways.

- Rationalization of taxes is one of the most important reforms required to boost the financial health of the telecom sector today. Telecom levies and taxes which are compared to other countries are high in India and if Government can work towards reducing it to an optimal level it then it may create traction among new investors to invest in telecom sector in India.
- Government should create a model plan considering telecom infrastructure as an essential service and critical communication infrastructure. It is recommended that Infrastructure status given to telecom sector should be accompanied by associated benefits such as assured grid power at Industrial rate, consider Fibers as protected National assets etc.
- There should be an easy entry and exit for the investors from the Indian telecom sector.

**Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

**Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.**

**ISPAI Comments:**

1. **There is perhaps scope for modernization and improvement in Functioning of WPC.** Areas of suggested improvement are :
  - reduction in time delays during assignment of spectrum
  - introduction of more openness and transparency in their functioning
  - Simplification of Complex & time consuming process of SACFA approvals is required by introducing online procedures
  - Modernisation of WPC to grant it a unique position of a nodal agency responsible for efficient management of spectrum and for it to assume the position of the competent and ultimate authority for deciding efficient usage of all spectrum in a fair, reasonable and transparent manner.
  - Time bound response (7 days) to queries raised for RF clearances/Import License Release of E-band / V-band spectrum immediately.
2. **WPC approval process for providing experimental & trial license is one of the biggest bottlenecks** in working on NG technologies viz. 5G, WiGig. The challenge is that the current process is extremely cumbersome. It takes 6-9 months to get experimental licence for 3 months, which is extendable for another 3 months. Post that, one has to go through similar application process with long lead times.

3. **Better co-ordination**

The core factors affecting the issue of “operationalization of TV channel” as caused by Wireless Planning & Coordination Wing (hereinafter “WPC”) remain the same, i.e. (a) better inter-departmental coordination; (b) identification of clear-cut timelines; & (c) creating enabling framework for new technologies. The manner in which these factors affect WPC and Network Operation & Control Centre (hereinafter “NOCC”) clearances have been detailed as follows:

- Introduction of new technologies and digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels. In any event the WPC is actively engaged in monitoring of such channels. Further, these last moment



permissions from WPC and NOCC leads to lapse of validity period of “operationalization” as well as forfeiture of the performance bank guarantees (hereinafter “PBG”). This incurs a heavy loss to the business in terms of rollout obligation. Thus, the term “operationalization” of TV channel has to be preceded by a major streamlining of part of WPC, NOCC and MIB.

- Provision for a single annual application to WPC/ NOCC for the entire duration of a year or the relevant period, in case of broadcasters with an advance calendar of live entertainment, sporting and non-news events for a year. Provided that, following long-term/annual approval, a separate notification shall be sent to the WPC/ NOCC of transponder capacity use. (This will greatly reduce the possibility of accidental rogue carrier uplink, as the satellite, transponder and frequency will be allocated long-term. These kinds of rogue carriers have been experienced by broadcasters which seriously impact the legitimate carrier and hence the feed and the consumer’s Television experience.

**4. Use of DSNG and Teleport for temporary Uplinking permission**

**5. WPC should remove any restrictions placed on the bit rate that can be used for TV channels uplinked through a teleport.**

**Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes**
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
- c. Precise and well-documented timelines along with the possibility of deemed approval**
- d. Well-defined and time bound query system in place**
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system**
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

**ISPAI Comments:** No Comments.

**Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

**ISPAI Comments- Please refer response to Q.2. point 4**

**Phase wise Mandatory Testing and Certification of Telecommunication Equipment (MTCTE):**

TEC vide its notification dated 22-09-2021 has announced Mandatory Testing and Certification of Telecommunication Equipment (MTCTE) for Phase III and Phase IV wherein the certification for telecom equipment covered under phase III will be mandatory with effect from 1st July 2022. For telecom equipment under phase IV, the EMI/ EMC and safety certification for telecom equipment would be mandatory with effect from 1<sup>st</sup> July 2022, also ER parameters would be mandatory with effect from 1<sup>st</sup> July 2022. In phase -III of MTCTE, TEC has reduced the timeline of acceptance of ILAC lab reports from five years to two years and in phase IV requirement for

acceptance of these reports have been totally removed vide its notification of May 2021. Further, there is a potential delay in testing and certification due to large quantum of products under phase III and IV of MTCTE considering the capabilities of CABs to test and the OEMs to comply. We also understand that all major OEMs/ Equipment vendors are not ready to apply and get the necessary EMI/EMC and safety certifications for phase III and IV implementation.

In view of the above submissions, ISPAI requests as follows:

- Allowing 5-year-old reports for initial applications in phase III and IV as this will enable smoother transition of investment from ILAC to CAB test labs instead of likely disruption that will be caused by this abrupt removal of ILAC acceptance and nullifying industry investments and impacting business continuity of our members.
- For products introduced in the market before the MTCTE ERs become effective, earlier versions of the standards may be accepted to ensure business continuity and the products whose ERs are yet to be uploaded on the portal to be introduced in future phases.
- We request to allow a minimum of 18 months to comply for Phase 3 and 4 in addition to a tiered approach for implementation from the date when product ERs are made mandatory.
- In addition to the tiered approach, it is our recommendation that for the duration in-country testing is completed and under certification, TEC should allow the import of the product based on test reports. This would help reduce the disruption to the business that the strict timelines provided under Phase II and IV.

**Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.**

**ISPAI Comments:** There should be only one standards body for telecom which can be TEC.

**Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity

**Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.**

**&**

**Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.**

**ISPAI Comments:**

We submit that the current processes under various service License or Frequency/Siting clearances for earth stations requires to obtain clearances separately from the appropriate authorities under Ministry of Information and Broadcasting (MIB), Ministry of Communication (MoC). We request that there should be one central entity within DoT coordinating all required approvals /authorizations, instead of requirement to go to approvals to multiple Government agencies like I&B, WPC, DOS etc.

Apart from the above, the requirement to execute an agreement for bandwidth with Department of Space (DOS) before applying for a teleport license should be streamlined and DOS should start charging for the bandwidth only when the teleport permission is granted by MIB and not before that.

**Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration

**Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.**

**ISPAI Comments:**

Acceptance of international CB safety report and EMC report from laboratory, recognized by ILAC or EA MLA for BIS registration

The shipment of samples for test to BIS test labs is time and cost consuming. Other countries accept CB report and EMC report to grant certificate after review by their certification engineers.

As the CRO (Common Regulatory Objectives) scheme has matured well, items compliances are getting in place, we request BIS to accept the CB report and EMC report from accredited laboratory outside India also when products are tested according to the applicable international standards technical equivalent to Indian

Standard in force.

**Q16. What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?**

**ISPAI Comments:** Stable and 24x7 regulated power supply availability in an affordable manner and preferably through 'green sources' is extremely essential for providing a sustainable energy solution for telecoms. While this may be easier said than done in the urban areas and metros, it's a huge challenge across the country.

Ministry of Communications along with Ministry of Energy and Ministry of Renewable Energy must enable availability of sustainable energy across the country for all telecom installations in an affordable manner

To deliver best in class connectivity experience across the state ISPs have to roll out infrastructure optimizing sites, deploying fiber, augmenting & installing IBS solutions to improve and strengthen the indoor coverage, wherever possible. ISPs reach out to customers to address quality of Service (QoS) related issues and with their support set up additional infrastructures for optimizing user experience and in this development the use of Street Infrastructure such as EB poles for deploying the aerial fiber plays a vital role.

It is our submission that exorbitant rentals/ charges on telecom infrastructure ultimately increase the cost for organization in deploying the infrastructure, which further impacts the rollout and expansion of network. Moreover, the exorbitant charges on telecom infrastructure cause delays and puts unnecessary financial burden on ISPs thus impacting the revenue of the State exchequer also. It ultimately impacts not just Quality of Service but also serves cost to customer and reduced broadband connectivity rollout.

**Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.**

**ISPAI Comments-**

- As submitted by our members, they face technical glitches while uploading AGRs in SARAS portal, that should be removed for smooth online filing.
- Further, once online filing of AGR is done, physical filing should be stopped to avoid duplicity of work.
- Further, we also suggest that instead of submission of Affidavit for AGRs on quarterly basis, an undertaking should be taken from authorized signatory of the company and submission of Affidavit should be discontinued.

**Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.**

**ISPAI Comments-**

The verification of documents is a huge exercise and requires significant effort and resources in the preparation of documents, and its verification on the part of both Service Providers and the Government. Therefore, it is suggested that the deductions should be allowed based on Auditors certificates for all the Services, as being done in the cases of ILD & NLD Services.

**Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.**

**ISPAI Comments -**

DoT has already simplified the process of CAF and has also re-introduced e-CAF due to the ongoing pandemic. All these measures are already user friendly.

Further, the Guidelines (File no. 800-21/2015-AS.II-Part (2) dated 11<sup>th</sup> October 2021) issued for Access Service Providers for digitization of existing paper CAFs (including associated documents) allowed the service providers to discontinue the storage of paper CAFs and replaced it with digitally signed scanned copies.



It is requested that similar amendment should also be issued for ISPs to promote the ease of doing business.

**Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.**

**ISPAI Comments:**

MSOs and LCOs, are duly licensed by Ministry of Information and Broadcasting (MIB)/Post Office to provide digital cable TV services, which is their primary business and Internet is being provided only as Value-Added Service for the convenience of their customers, which forms a very miniscule part of their total revenue. Unfortunately, in the wake of the judgment delivered by Hon'ble Supreme Court in Union of India V/s Association of United Telecom Service Providers of India etc., which was not applicable on ISPs, DOT has raised license fee demands to our member-ISPs on their MSO/LCO revenues which is unjust and need immediate review. This issue is pending adjudication in TDSAT and needs to be resolved at the earliest. If the demands are not withdrawn, these ISPs would have to close down, leading to:

- Blackout of 70 million approx. cable homes across India;
- Loss of livelihood of 1.5 lakhs approx. Local Cable Operators;
- Loss of livelihood of another 8-10 lakhs people, who are directly /indirectly connected with Cable business like LCO boys, Technicians, Line man, Employees of Muti System operators and their families etc;
- Severe impact to the proliferation of Broadband through Cable operators in tier 3 and tier 4 cities;

**Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.**

&

**Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.**

**&**

**Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.**

**ISPAI Comments-**

- Although considerable efforts have already been made by TRAI and now majority of the reports are now being required to upload on the portal provided by TRAI however there are still some reports which need to be submitted either in hard copy or through an email. Thus, it is suggested that TRAI should extend its online system to all the periodic reports in a time bound manner.
- We also suggest that the regulatory reporting requirement should be minimal and should be done through online portal only. With the help of online reporting, various dashboards can also be made providing insight of data submitted by service providers.
- In the Accounting Separation Regulation, we understand that Replacement Cost Accounting report have not been used for any regulatory decision and it may be appreciated that arriving at such reports is very costly exercise involving significant resources and time which increases regulatory cost to Company. In view of lesser need of current cost and practical difficulties in preparation of accounting separation reports on the basis of replacement cost accounting, it is suggested that such reports may be withdrawn from the regulation.

**Q24. Are there any other issues in the present system of licenses/permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.**

## **ISPAI Comments-**

We have following suggestions under ease of doing business in the following areas:

### **1. ROW Permissions and Charges:**

- ROW is an important element and key enabler for digital mission of the Government of India. However, State policies have not been implemented on the ground as per RoW Rules issued by the Government of India in terms of RoW Permissions and charges. There is no clarity and transparency in approval timelines and the charges levied for ROW by various state and central agencies.
- The RoW permissions are granted by individual central, state, local government bodies. Telecom sector doesn't enjoy the same privileges which are enjoyed by other Utility providers, such as., Power companies, gas companies etc., enjoy.
- The RoW charges levied by various central, state and municipal bodies vary from state-to-state, city-to-city and there is no central body that administers or regulates the charging methodology levied by different agencies from time to time. Having one would help in simplification and expediting RoW approvals. Most metro cities have sky-rocketing RoW and reinstatement charges that prohibit laying and developing a fibre network. These charges aren't standard and can vary even within city limits for certain cities. here are no SLAs by utility providers for Grant and dispensation of RoW applications expeditiously; standardization in duration (number of years) for which the RoW permissions are provided, privileges of Service Providers towards reinstatement of fibre assets during the RoW period.
- There are also no statutes or laws that provide protection of fibre assets of Telecom Service Providers which get damaged and cut by various other agencies including Utility providers while they dig to lay their own underground assets like water pipes, drainage systems, electric cables etc. during their own expansion plans. There needs to be guidelines towards safety of assets and remedies thereof that are laid and acquired after payment of huge RoW charges.
- There are also frequent cases where RoW are demanded again for performing repairs or replacement of fibre cables damaged due to fibre cuts caused as above, where regulation and monitoring body would help streamline provision of rights and privileges.
- State and Municipal bodies treat RoW as a "cash cow" by local bodies and state governments on the assumption of being the State subject.

### **ISPAI Suggestions:**

- Uniform and nominal ROW charges.
- Government should create an online platform for Railway RoW Applications and with affordable RoW rate because current Railway RoW charges are very high.
- Land demarcation data base is not available with Government and it is creating issues during RoW applications (like Railway, Forest, NHAI etc.). Same should be made available in a digital manner.
- Government should establish a Nodal agency like DoT LSA field units to coordinate and resolve RoW permission issues.
- A single window clearance is must for processing of all RoW permission applications by leveraging digital means to bring transparency and predictability with minimum TAT -30 days
- Government should set up central or state level agencies to monitor the success of the RoW policy, and report disputes in implementing the policies.
- Nodal agency should ensure that service providers do not face any problems/hurdles in obtaining a “No Objection Certificate” (NOC) from various concerned authorities \
- Government should monetize their passive infrastructure (like fiber, duct space, etc.)
- There should be common policy for all central government bodies, state government bodies and local authorities. And one central co-coordinator at each district level with direct supervision of DoT need to be created with precise timeline to grant permission for RoW.
- Right of way charges should be enabled to be paid over a period of 15 years. Fiber Capacity should be allowed to be shared and transferred without need of additional Right of way charge. This would increase value of investment made by infrastructure creator in Fiber infrastructure.
- For RoW, there should be a single window clearance with active cooperation of all local bodies. All state electricity poles, municipal poles should be allowed to use for laying of OFC cable and a proper mechanism for the same needs to be worked out.
- All state electricity poles and streetlight poles under local bodies must be allowed to lay OFC cables, and their permission also need to be monitored. This will enhance the speed of rollout and this need to be done without any discrimination. For all new road construction, a separate channel needs to be kept for ducts of OFC to be laid in future.

- Policy framework should be in a place for structured overhead of Cable network for allowing structured pole based Aerial fiber deployments especially in geographies where building underground fiber infrastructure is a challenge. The permission to install overhead fiber would be another biggest enabler to provide cost-effective broadband services as the installation and operational maintenance of overhead fiber is much faster and far cheaper than underground OFCs.

**2. Trusted Telecom Cell Portal:**

- The Approval process for current submitted applications need to be expedited and approval should be accorded in a time bound manner.
- The Trusted telecom cell portal should reflect the trusted product and trusted Source status of each vendor across the industry for the information to all TSPs/ISPs.
- If the product approved for any one customer application, it should be automatically extended to other customers.
- The 2 years term approval of trusted cell is too short for Telecom Network products and ideally the approval should be for minimum 7 years period.
- There should be a cooling period of 12 months to ensure business continuity and that time should be used to certify all vendors through trusted telecom cell.
- The online Portal need to be more simplified for faster submission and ease of access.

\*\*\*\*\*