

Comments
R B Sahajpal
Consultation Paper
On

'Provision of Cellular backhaul connectivity via Satellite through VSAT under Commercial VSAT CUG Service Authorization' 29th January, 2020

Q1. Keeping in view the connectivity requirements in remote and difficult areas, should the Commercial VSAT CUG service provider be permitted to provide backhaul connectivity for mobile services and Wi-Fi hotspots via Satellite? Please justify your answer.

Ans.1. No. Please consider Ans.6.

Q2. Whether the scope of Commercial VSAT CUG Service Authorization be enhanced under both Unified License and UL(VNO) license to enable the provision of the said backhaul connectivity? Please justify your answer.

Ans.2. No. Please consider Ans.6.

Q3. Should the licensee having authorization for both Commercial VSAT CUG and NLD services be allowed to share VSAT Hub & VSAT terminals for the purpose of providing authorized services? Please justify your answer.

Ans.3. No. Please consider Ans.6.

Q4. Whether the licensee should be permitted to share its own active and passive infrastructure for providing various services authorized to it under the other service authorization of UL and/ or other licenses? [In other words, whether clause 4.3 of Chapter -VIII (Access Service authorization) be made applicable for all other authorizations also] Is there a need to impose any restrictions? Please enumerate and justify your answer.

Ans.4. No for both the questions raised in Q4. Please consider Ans.6.

Q5. Whether formula-based spectrum charging mechanism for VSAT services in NLD/Access license is adequate and appropriate? If not, whether spectrum charging for VSAT services in NLD/Access service license should be made on AGR basis instead of existing formula basis mechanism? Whether it will require accounting/ revenue separation for satellite based VSAT services under NLD/Access license? Please elaborate and provide proper justification.

Ans.5. There are three questions in Q5. Seriatim comments follow:

No changes may be made in licenses already signed.

The issue may be examined separately.

No changes may be made in licenses already signed. The issue may be examined separately. Please consider Ans,6.

Q6. Please give your comments on any related matter not covered in this Consultation paper.

ANS.6.i) To provide backhaul connectivity to the mobile operators to provide service to far-flung areas numbering around 43,000 remote villages in India (Source: TRAI CP), still devoid of having any mobile services due to reasons *inter-alia* including remote and difficult terrain, diversely located areas with distributed population, poor accessibility, satellite communication can play a very useful role in such applications for connecting remote and inaccessible areas. For example, one TSP has already chosen this path. **"Reliance Jio Selects Hughes India for Nationwide Satellite Backhaul Network" (Information from Internet).** Other TSPs' who have similar obligation to fulfil may follow similar approach instead of DoT tweaking existing signed licenses to achieve the desired objective.

ii) Tweaking is proposed in two separate licenses to achieve the proposed objective. This in turn will impact the charging mechanism also due to changes in license, **a sort of contract between licensor and licensee**, conditions. Any change is likely to promote prolonged litigation as is evident from a Supreme Court Judgement in AGR case dated October 24, 2019 extracted **"for the last two decades, definition of gross revenue has been litigated upon, though the intendment was to keep it free from the same and various disputes."** Perhaps dues are yet to be paid by the licensees to the licensor.