



26th March 2012

Mr. Rajkumar Upadhyay,
Advisor (BB & PA)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg (Old Minto road)
New Delhi-110002

Subject: Tata Teleservices Response to TRAI Consultation Paper No 06/2012 on “Amendment in the ISP Licence agreement for incorporating the terms and conditions mentioned in Notice Inviting Applications (NIA) dated 25.02.2010 for use of Broadband Wireless Access (BWA) spectrum.” dated 15th March 2012.

Dear Sir,

With reference to your Consultation Paper dated 15th March 2012 on ‘Amendment in the ISP Licence agreement for incorporating the terms and conditions mentioned in Notice Inviting Applications (NIA) dated 25.02.2010 for use of Broadband Wireless Access (BWA) spectrum’ seeking comments of the stakeholders, TTL proposes that the ISP licence agreement be amended to incorporate the terms and conditions mentioned in Notice Inviting Applications (NIA) dated 25.02.2010 for use of Broadband Wireless Access (BWA) spectrum as follows:

In pursuance of Condition 7 of the ISP licence agreement (s), Clause 4.6 of the Notice Inviting Application (NIA) for “Auction of 3G and BWA Spectrum” vide P-11014/13/2008-PP dated 25.02.2010, WPC Wing’s Letter of Intent (LoI) Nodated..... and on the request of the licensee vide letter No.....dated....., the LICENSOR hereby insert following Condition.....(clause No) in the ISP licence agreement (s) for theservice area (s) with effect from.....:

[clause No] Use of BWA Spectrum: The licensee is also authorized to use the BWA spectrum block (as earmarked in the above said Letter of Intent) for provisioning of Internet Access Service as defined in the “Scope of the Licence” in the Scheduled Condition 2 of the ISP Licence Agreement from the date of award of right to commercially use the BWA spectrum i.e.....till the validity of ISP licence agreement or for a period of 20 years from....., whichever is earlier, subject to the compliance of following condition:

- (i) **Validity period for BWA Spectrum:** The licensee is authorized to use this spectrum for a period of 20 years from the date of award of right to commercially use the allocated BWA spectrum block i.e.for the operation of Internet Access Service as defined in the “Scope of Licence” in clause 2 of the ISP



Licence agreement, subject to the condition of validity of the ISP licence agreement. In case the ISP licence agreement is cancelled/terminated/revoked/surrendered for any reason, the spectrum usage rights shall stand withdrawn forthwith. If the validity period of the ISP licence agreement expires before the expiry of the right to use the BWA Spectrum for 20 years, awarded by means of the said Auction, then the validity of the ISP licence for operation of Internet Access Service by using the said BWA spectrum only, shall be extended to make it coterminous with the validity of the right to use the BWA spectrum, without any charges and in such a manner the Licensor deems fit. The ISP licence, if applicable, shall be extended for 5 years at a time for a period extending up to 20 years, from the Effective Date on existing terms. The extension shall be done on the application of the licensee made 3 months in advance of expiry of the validity period of the ISP licence. This does not include authorization or extension of period of validity of the ISP licence for providing Internet Access Service using spectrum allocated under the ISP licence.

(ii) **Roll-out obligations for BWA Spectrum:** The licensee shall ensure compliance of following network roll-out obligation for BWA Spectrum for respective category of the licences service areas(s)

- **Applicable for Metro service area licence(s):** The licensee to whom the BWA spectrum is assigned shall be required to provide required street level coverage using the BWA Spectrum in at least 90% of the service area within five years of the Effective Date.
- **Applicable for Category A, B and C service area licence(s):** The licensee to whom the spectrum is assigned shall ensure that at least 50% of the rural SDCAs are covered within five years of the Effective Date using the BWA Spectrum. Coverage of a rural SDCA would mean that at least 90% of the area bounded by the municipal/ local body limits should get the required street level coverage.

The Effective Date shall be the later of the date when the right to use awarded spectrum commercially commences i.e. If the licensee does not achieve its roll out obligations, its spectrum assignment shall be withdrawn.

(iii) **Licence Fee for BWA Spectrum:** Over and above the "Licence Fees" payable by the licensee as per condition 17.2 of the ISP licence agreement, the licensee shall also pay the annual licence fee as share of Adjusted Gross revenue (AGR) from the services using BWA spectrum as rates mentioned in condition 17.2 of the ISP licence agreement. All the conditions contained in Part III Financial Conditions of ISP licence agreement will continue to be applicable to the licencees as amended by Government from time to time.

(iv) **Spectrum Usage Charges:** Notwithstanding anything contained in 17.3 of Part III of the scheduled of this licence agreement, the Licensees using BWA

