

**TELECOM REGULATORY AUTHORITY OF INDIA  
NOTIFICATION**

**New Delhi, the 21<sup>st</sup> December, 2012**

**THE INTERNATIONAL TELECOMMUNICATION CABLE LANDING STATIONS  
ACCESS FACILITATION CHARGES AND CO-LOCATION CHARGES REGULATIONS,  
2012**

**(No. 27 of 2012)**

**File No. 416-5/2012-NSL-I-----** In exercise of the powers conferred upon it under section 36, read with sub-clauses (i),(ii),(iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

**CHAPTER-I**  
**PRELIMINARY**

**1. Short title, extent and commencement.--** (1) These regulations may be called the International Telecommunication Cable Landing Stations Access Facilitation Charges and Co-location Charges Regulations, 2012.

(2) They shall come into force on the 1<sup>st</sup> day of January, 2013.

**2. Definitions.** --In these regulations, unless the context otherwise requires,-

(a) "Access Facilitation" means access or interconnection, as the case may be, to the essential facilities (including landing facilities for submarine cable) at cable landing station;

(b) "Access Facilitation Charges" means charges payable by the eligible Indian International Telecommunication Entity to the owner of the cable landing station to interconnect or access the capacity acquired on Indefeasible Right of Use basis or on short-term lease basis from an owner of the submarine cable capacity or a member of consortium owning submarine cable capacity ;

(c) "Alternate location" or "Alternate Site" means the location other than the cable landing station where the owner of cable landing station provides, through interconnecting link from cable landing station, access to international submarine cable capacity and such location includes space for collocation of equipment;

(d) "Cable landing station" means the location,

(i) at which the international submarine cable capacity is connectable to the backhaul circuit;

(ii) at which International submarine cables are available on shore, for accessing international submarine cable capacity; and such location includes buildings containing the onshore end of the submarine cable and equipment for connecting to backhaul circuits;

(e) "Co-location Facilities" means the facilities at a submarine cable landing station (including building space, power, environment services, security and site maintenance) which may be offered by the owner of cable landing station to the eligible Indian International Telecommunication Entity to facilitate access to the cable landing station of such owner (including installation of co-location equipment);

(f) "Co-location charges" means the charges payable by the eligible Indian International Telecommunication Entity based on the type of facilities used, for the purpose of housing the equipment of such eligible Indian International Telecommunication Entity, at the premises of owner of cable landing station which provides the access to its cable landing station, and such charges include

charges for providing space, power supply, accessing physical facilities, operation and maintenance of co-location site for the said purpose;

(g) "Capacity owner" means an International Telecom Carrier or Foreign Carrier or Indian International Long Distance Operator who owns capacity on the international submarine cable landing at the cable landing station in India;

(h) "eligible Indian International Telecommunication Entity" means--

(i) an International Long Distance Operator, holding licence to act as such, and, who has been allowed under the licence to seek access to the international submarine cable capacity in submarine cable system landing at the cable landing stations in India; or

(ii) an Internet Service Provider, holding valid international gateway permission or licence to act as such, and, who has been allowed under the licence to seek access to the International submarine cable capacity in submarine cable system landing at the cable landing stations in India;

(i) "International Long Distance Operator" means a service provider or operator who has been granted licence to act as such to provide international long distance service;

(j) "Indefeasible Right of Use" means the right to use the Reference Capacity,

(i) on long term lease for the period for which the submarine cable remains in effective use;

(ii) acquired (including equipment, fibers or capacity) under an agreement entered into between the Capacity owner and an eligible Indian International Telecommunication Entity;

(iii) in respect of which maintenance cost incurred becomes payable in any circumstances during the period of validity of the agreement referred to in sub-clause (i) of this clause;

(k) "operation and maintenance charges" means the annual charges,-

(i) payable to the owner of cable landing station by the eligible Indian International Telecommunication Entity;

(ii) for operation and maintenance of facilities for accessing the capacity of the cable landing station of such owner;

(l) "Reference Capacity" means the international submarine cable capacity,--

(i) in the submarine cable system landing at the cable landing station in India;

(ii) acquired whether on ownership basis or lease basis by the eligible Indian International Telecommunication Entity;

(iii) activated by the owner of the submarine cable system or a member or members of consortium of submarine cable system;

(m) "regulations" means the International Telecommunication Cable Landing Stations Access Facilitation Charges and Co-location Charges Regulations, 2012;

(n) "Schedule " means the Schedule appended to these regulations;

(o) "owner of cable landing station" means a service provider who owns and manages submarine cable landing station in India and has been granted licence to provide international long distance service or Internet service provider;

(p) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made thereunder, shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.

## **CHAPTER-II**

### **CABLE LANDING STATIONS ACCESS FACILITATION CHARGES AND CO-LOCATION CHARGES**

**3. Access Facilitation Charges on or after 1<sup>st</sup> January, 2013:-----** (1) For every unit capacity provided on or after the 1<sup>st</sup> day of January, 2013, the owner of cable landing station shall charge on or after the 1<sup>st</sup> day of January, 2013, the Access Facilitation charges as specified in Schedule-I of these regulations.

(2) For every unit capacity provided before the commencement of these regulations, for which the annual access facilitation charges are payable by the eligible Indian International Telecommunication Entity to the owner of cable landing station, the charges specified in Schedule-I shall apply from the next date of payment falling on or after the 1st day of January, 2013.

(3) For every unit capacity provided on Indefeasible Right of Use basis before the commencement of these regulations, for which the per annum operation and maintenance charges payable by the eligible Indian International Telecommunication Entity to the owner of cable landing station, the charges specified in Schedule-II shall apply from the next date of payment falling on or after the 1st day of January, 2013.

(4) Nothing contained in the Schedule I and Schedule-II to these regulations shall apply if the owner of the cable landing station and eligible Indian International Telecommunication Entity mutually agree to charge and pay charges lower than those specified in the Schedule I and Schedule-II to these regulations.

(5) The cancellation and restoration charges for a particular unit capacity shall be as per mutual agreement between the owner of the cable landing station and eligible Indian International Telecommunication Entity, subject to a ceiling of ten percent of the Access Facilitation charges specified for that unit capacity in Schedule-I to these regulations or one lakh rupees per unit capacity, whichever is lower.

**4. Co-location charges on or after 1<sup>st</sup> January, 2013----**(1) For co-location facility provided on or after the 1<sup>st</sup> day of January, 2013, every owner of cable landing station shall charge on or after the 1<sup>st</sup> day of January, 2013 the Co-location charges as specified in Schedule-III of these regulations.

(2) For co-location facility provided before the commencement of these regulations, for which the annual co-location charges are payable by the eligible Indian International Telecommunication Entity to the owner of cable landing station, the charges specified in Schedule-III shall apply from the next date of payment falling on or after the 1st day of January, 2013.

**5. Review-** The Authority may, from time to time, review and modify Access Facilitation charges and co-location charges.

**1[SCHEDULE-I]**  
**ANNUAL ACCESS FACILITATION CHARGES**  
**TABLE-I**

**ANNUAL ACCESS FACILITATION CHARGES AT CABLE LANDING STATIONS**

Sl.No.	Per Unit Capacity	Access Facilitation Charges Per Unit Capacity Per Annum (In Rs.)
(i)	STM-1	36,000
(ii)	STM-4	93,000
(iii)	STM-16	2,40,000
(iv)	STM-64	6,25,000

**TABLE-II**  
**ANNUAL ACCESS FACILITATION CHARGES AT**  
**ALTERNATE LOCATION**

Sl.No.	Per Unit Capacity	Access Facilitation Charges Per Unit Capacity Per Annum (In Rs.)
(i)	STM-1	1,11,000
(ii)	STM-4	2,88,000
(iii)	STM-16	7,50,000
(iv)	STM-64	19,50,000

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**2[SCHEDULE-II]**  
**ANNUAL OPERATION AND MAINTENANCE CHARGES FOR CAPACITY PROVIDED**  
**ON IRU BASIS**

**TABLE-A**  
**ANNUAL OPERATION AND MAINTENANCE CHARGES AT CABLE LANDING**  
**STATIONS FOR CAPACITY PROVIDED ON IRU BASIS**

Sl.No.	Per Unit Capacity	Operation and Maintenance Charges Per Unit Capacity Per Annum (In Rs.)
(i)	STM-1	19,000
(ii)	STM-4	48,000
(iii)	STM-16	1,24,000
(iv)	STM-64	3,23,000

**TABLE-B**  
**ANNUAL OPERATION AND MAINTENANCE CHARGES AT ALTERNATE LOCATION**  
**FOR CAPACITY PROVIDED ON IRU BASIS**

Sl.No.	Per Unit Capacity	Operation and Maintenance Charges Per Unit Capacity Per Annum (In Rs.)
(i)	STM-1	58,000
(ii)	STM-4	1,50,000
(iii)	STM-16	3,89,000
(iv)	STM-64	10,10,000

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1 Schedule I quashed by Hon'ble Madras High Court vide judgment dated 02.07.2018 in Tata Communications Ltd. & Anr. Vs. Telecom Regulatory Authority of India & Ors. (W.As. No. 283 and 285 of 2017.) Substituted by the Amendment Regulations, 2018, reg. 2(a) (w.e.f. 28.11.2018)

2 Schedule II was quashed vide judgment dated 02.07.2018 in Tata Communications Ltd. & Anr. Vs. Telecom Regulatory Authority of India & Ors. (W.As. No. 283 and 285 of 2017.) Substituted by the Amendment Regulations, 2018, reg. 2(b) (w.e.f. 28.11.2018)

**1]SCHEDULE-III  
CO-LOCATION CHARGES**

<b>Sl.No.</b>	<b>Description</b>	<b>Co-location Charges Per Rack (Rack space= 16 sq.ft.) Per Annum (In Rs.)</b>
(i)	For Mumbai	6,00,000 (upto 2KW Power)
(ii)	For cities other than Mumbai	4,00,000 (upto 2KW Power)

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**Rajeev Agrawal  
Secretary**

**Note.** -----The Explanatory Memorandum explains the objects and reasons of the International Telecommunication Cable Landing Stations Access Facilitation Charges and Co-location Charges Regulations, 2012.

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1 Schedule III was quashed vide judgment dated 02.07.2018 in Tata Communications Ltd. & Anr. Vs. Telecom Regulatory Authority of India & Ors. (W.As. No. 283 and 285 of 2017.) Substituted by the Amendment Regulations, 2018, reg. 2(c) (w.e.f. 28.11.2018)