Aircel Response to TRAI Consultation Paper on In-Building Access by Telecom Service providers

Preamble:

At the outset, we welcome TRAI's endeavor in bringing focused attention on a contentious market issue related to telecom sector, through this consultation paper. We earnestly believe that for achieving the 'Affordable Broadband' objective of NTP'12 and Government's policy initiatives of 'Digital India' and 'Broadband for all', this issue with market as well as society based nuances, should also be put to limelight and addressed; to which, this consultation Paper is a first step and in the right direction. We also urge that the endeavor should be to instill enabling and encouraging environment while resolving the last mile concern areas as well.

Foremost, we would like to state that Telecommunication services are now an integral part of social, economic and political developments and advancements of a country. Building of suitable telecom infrastructure is similarly linked to growth of telecommunication, as telecom services are linked to growth of economy. Being capital hungry sector, effective use of telecom infrastructure leads to positive and progressive impact on economy growth whereas duplicity in telecom infrastructure leads to huge avoidable costs as such, comparatively negatively affecting the economy.

Telecom networks are evolving as more and more intelligent & digital and offer high transmission capacity and bandwidth, with manifold growth. This is allowing consumers to interact in ways previously not possible – with services being available at any time and at any place. With present use being entertainment and business use, it is increasingly extending to education, health and other public services.

As technology and mode of transport are changing fast, a holistic approach is required to be kept in mind while designing building structures, which should suit all future type of services. A properly designed building must provide clear Access path as well as properly allocated space inside the building.

A. Telecom as Essential Infrastructure

Presently, the last mile access in Government Buildings / Malls / Airport / Stadiums / Hospitals / Hotels / Universities / Private societies or townships / industrial township or SEZs etc ("Building") is grossly entangled into need of telecom operator to enter into premises v/s unilateral financial cost sought by Governing bodies/owners of such Buildings. This is why

there is large disparity in telecom coverage availability in similar types of buildings, for example, coverage availability in one Airport in a city could be totally different from another Airport in a different city, even though there could be similar public footfalls. The primary reason for this disparity is that there are no common guidelines available or enforced, for making telecom infrastructure available, such that customers of all TSPs are not put to inconvenience and the operators stand on equal footing with level playing field.

Hence, there is a need to balance the deployment needs of TSPs with the compensation. The access telecom licenses are granted on a service area basis, which enables a licensee to provide telecom services in the entire licensed service area. However, owing to need of the society, there are walled gardens which are difficult to penetrate by telecom signals for good in-building coverage. Such walled gardens, often having basements and closed structures, provide lucrative opportunities as well as negotiation supremacy to its Governing Body for seeking higher compensations from TSPs for providing entry of telecom resources inside the premises. The disparities in coverage gets coupled by the fact that such negotiation supremacy is often exercised by providing exclusive access to a TSP, leading to inconvenience to subscribers of other TSP as well as non-level playing field.

However, in all such debatable competitive practices, we tend to lose sight of consumers (who may belong to any TSP) and their convenience takes second place since, the first step involves a crucial negotiation between financial remuneration sought by Building owners and need of TSPs.

Therefore, it is of utmost importance that telecom consumers convenience is considered as of paramount interest, and guidelines at all levels, be it by Central agencies or State agencies, are framed in a manner which enables reach of telecom physical infrastructure to all Buildings, on a reasonable and rational cost.

We urge that telecom infrastructure be given status of Essential infrastructure and should treated at par with water, electricity for a Building. These facilities not to be seen from revenue maximization perspective but as an essential infrastructure.

B. Designing and Execution linked to Local clearances/NoC

There has been lack of coordination on making telecom infrastructure available in the buildings. Successful designing, tendering and implementing telecom infrastructure is need of the hour and it should be made mandatory before any NoC/clearance is given, that all new building projects (depending upon size/occupants ratio) to conceptualize and implement telecom infrastructure in their building plans, on non-exclusive basis. Further the completion certificates/clearances should only be issued once such telecom infrastructure has been built and successfully implemented.

C. Mandatory sharing of In-building Telecom Infrastructure

Globally, due to economy of scale property of telecommunication industry, sharing of telecom infrastructure among telecom service providers is fastly becoming the requirement & process of business in the telecom industry, where competitors are becoming partners in order to lower their increasing investments. The degree and method of infrastructure sharing can vary depending on regulatory and competitive climate in a country.

The benefits of mandatory sharing would be that it:

- Improves economics by reducing upfront costs & minimizing the capital investments
- Usage of excess capacity
- Usage of existing administrative/local clearances as well as existing right of way.
- Saves time and can increase broadband access/reach faster than otherwise.
- Minimizes environmental impacts in terms of less construction.
- Leaving less scope with incumbent operator at a given premises, to use In-building access as 'Competitive Advantage'.

While it may be challenging to regulate Public/private building owners not to go for exclusive deals, we are of the strong view that same can be met by regulating the TSPs, with mandatory sharing and not to enter into any exclusive In-building access deals with any owner/RWA etc.

We verily believe mandatory sharing of In-Building access will be consumer interests and would help in growth of telecom sector by helping all TSP's network coverage to reach such closed In-Building areas as well.

Summary Submissions

1. **Telecom infrastructure as Essential Infrastructure**
2. **Local clearances / NoC should be linked with designing and implementation of telecom spaces and infrastructure.**
3. **Mandatory sharing of In-building telecom spaces and infrastructure. TSPs to be mandated not to enter into any exclusive In-building access deals.**

Question-wise Response

Question 1: Do you agree that there is a need to address the issues discussed in this consultation paper or the market is capable of taking care of these issues without having any policy intervention/guidelines in this regard?

Aircel Comments:

Yes, there is an immediate need for intervening in facilitating telecom infrastructure inside Buildings. TRAI has aptly capture the concerns in the consultation paper, which are real and needs to be addressed through incorporation in bylaws, framing of guidelines and policy initiatives. Telecom operators while rolling out telecom services often face challenges in accessing and installing telecommunication facilities in existing & new Buildings.

Present Challenges in placing telecom infrastructure in Buildings

- Structural issues in Building in absence of prior planning
- Permission from Local Bodies and Municipalities
- Building owners/RWA permissions
- No clear policies for deployment in Government/Defence/Railway Buildings or land.
- Fears of EMF radiations
- Building owners permitting exclusive installation of telecom infrastructure of one TSP.

Benefits of In-building access

- Consumer convenience and choice
- Affordable deployment leading to affordable tariffs.
- Increase in Quality of Service
- Lesser call drops
- Increase in reach and coverage leading to increase in Broadband penetration

Question 2: How can sharing of telecom infrastructure inside a residential or commercial complex/airport/hotels/multiplexes etc among service providers be encouraged? Should the sharing of such telecom infrastructure be made mandatory?

Aircel Comments:

Yes, sharing of telecom infrastructure should be made mandatory. In the first phase, the commercial aspect should be left to market forces and a review can be carried out once in two years for evaluating the effectiveness of such mandatory sharing.

Question 3: In view of the international practices given in para 18-23 of Chapter-II of the Consultation Paper, what provisions should be included in the National Building Code of India to facilitate unhindered access for all the TSPs?

Aircel Comments:

We would suggest following should be broadly included in the National Building Code of India.

1. **Planning and execution part of Local clearances/NoC**

   Before giving NoC/clearance to building plan/drawings of a project, the developer should be made responsible for ensuring design, construction and maintenance of the telecommunication spaces, facilities, wires, cables, and other related telecommunications components within their buildings upto and including the lead-in ducting to the building.

2. **Telecommunication Spaces, Pathways and Facilities**

   Depending upon the size of the premises following should be broadly encapsulated while designing and construction of a building:

   - Main Telecom Room (MTR) and Rooftop Mobile service room (in case of multi storeyed building). The MTR should ideally be dedicated room on Ground floor for termination of fibre optic cables and to house telecom equipment.

   - Lead-in ducts from premises boundary to the MTR.

   - Entry and distribution boxes

   - Inter-building and Intra building pathways. For multiple building structures within a premise (like multiple towers residential project), lead-in ducts alongwith optic fibre cables to be provided by building owner, to connect group of buildings/towers. In-building fibre drop cables

   - Telecommunication sockets

   - Reasonable measures to safeguard security of telecommunication spaces and facilities

3. **Basic checks for Location Planning:**

   - Telecom rooms must not be in close proximity to any of following:
     - Heat
     - Moisture
     - High Voltages
     - Radio frequency or Electro-magnetic interference

- Also, the telecom rooms must not be beneath

  - ➢ Showers
  - ➢ Washroom
  - ➢ Swimming pool
  - ➢ Garbage area

- Minimum height of room should also be fixed.

4. Room size planning should also be done after considering factors like consumers to be served, present and future services required including access to high capacity broadband services. Such factors would give a clear picture on the type of equipments required to be placed within the building and hence, the commensurate dimensioning of the Room sizes.

The above requirements generally apply to Buildings big enough in size and with high consumer footfall like Airport, Hotel, Hospital, Government offices, Residential/commercial Townships, Stadium, Malls and University etc.

Question 4: Any other option, which in your view, could resolve the issues discussed in this consultation paper?

Aircel Comments:

We believe below points could be additionally considered as these would give impetus to Digital India program, growth of telecom sector thus, helping economic growth of the country.

- Telecom to be treated as essential infrastructure.

- Telecom to be treated at par with Electricity, Water and Sanitation for In-building access.

- Power to be charged from a TSP should be as per industrial power rate, for the In-building access.

- E-band and V-band should be opened for mobile backhaul use in India at the earliest with light touch regulatory regime, considering its technological and economical advantages.

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