



Vodafone Response to TRAI Consultation Paper on In-Building Access by Telecom Service Providers dated 6th June 2016

1. With the increase in urbanization and high rise developments, there is an increasing requirement to meet the in-building connectivity requirements of subscribers in residential and commercial high rise/multi-tenant buildings and areas of general public access such as Airports, Malls, Hotels, Hospitals, Metros & railways stations, etc.
2. In building coverage arrangements are currently achieved through commercial agreements directly with the building owners.
3. However, as rightly noted by the Authority, there are cases where TSPs are constrained to pay the extortionate rents demanded unilaterally by the building owners especially of public buildings to serve specific communities/segments of subscribers –such as at Airports, Malls, etc. There is a need for a framework to ensure that such access is made available to TSPs in a timely manner on fair, reasonable, transparent and non-discriminatory terms.
4. We appreciate the initiative of the Authority to evolve a framework applicable to in-building facilities to enable the telecom operators to obtain efficient access on reasonable terms and conditions and to enable the consumer to avail of services from the TSP of his choice.
5. We submit that for the purpose of this paper, the Authority should draw a clear distinction between public and private buildings. 'Public' buildings can be defined as buildings where general public has unrestricted access/ that attract consumers /subscribers across entire sections of service providers; this would include residential and commercial high rise/multi-tenant buildings and Airports, Malls, Hotels, Hospitals, Metros & railways stations, etc.

The scope of this consultation should be confined to access to such public buildings.

6. We support the proposal of the Authority that there should be an amendment to the building byelaws to ensure that all existing and new buildings (including buildings undergoing re-development), mandatorily provide for availability common telecom infrastructure facilities. This should be required to be included by the builder while applying for completion certificate. This would be in consonance with the Government's vision of Smart Cities. In respect of existing buildings, except where technically not feasible (due to structural limitation of existing building), the provision of common telecom infrastructure facilities must be encouraged/incentivised.
7. Common telecom infrastructure facilities may be defined as ducts and space required to lay the cables and house the equipment necessary for the provision of In-building access. These CTI facilities have to be provided by the Building owner and access to the same has to be made available to all TSPs.



8. The provision of the in building infrastructure, i.e. laying of cables, installation, operation and maintenance of equipment necessary for provision of service, however should be required to be carried out only by a licensed TSP.
9. Such Infrastructure should be available to all TSPs on mutually agreed terms and conditions subject to above mentioned principles of fair, reasonable, transparent and non-discriminatory terms.
10. Similar to macro infrastructure, in building coverage for public buildings too, may be provided on a shared basis so as to facilitate cost effective deployment of in-building coverage. Sharing will also be preferred by the TSPs as it would result in more cost effective services. It is however emphasized that such sharing should be encouraged, not mandated. The suggestion of the Authority that TSPs may be disallowed from entering into contracts with an exclusivity clause can be a possible solution to achieve the desired objectives.

Issues for Consultation

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?

- a) Yes. There is a need to address the issues discussed in this consultation.
- b) We believe that there is a requirement to mandate provisioning of common telecom infrastructure facilities in all existing and new buildings (both residential and commercial high rise/multi-tenant buildings and areas of public access that attract consumers /subscribers across entire sections of service providers), except where technically not feasible (due to structural limitation of existing building).
- c) The building bye-laws should be amended to enable in-building access to TSPs. All existing and new buildings (including buildings undergoing re-development), should mandatorily provision for common telecom infrastructure facilities from the Network Access Point. This should be required to be included by the builder while applying for completion certificate. The cost and responsibility of reaching upto the Network access point lies with the TSP.
- d) Common telecom infrastructure facilities may be defined as ducts and space required to lay the cables and house the equipment necessary for the provision of In-building access.
- e) These CTI facilities have to be provided by the Building owner and access to the same has to be made available to all TSPs. There should be no cost attached for the use of ducts and space for equipment as telecom should be treated as an essential infrastructure at par with



electricity, water, etc. TSPs should be pay only for the usage of power/electricity for operation of in building solutions.

- f) National building code/building bye-laws should reserve legal rights of all TSPs to access the common infrastructure facilities to install telecommunications equipment, cables and relevant facilities to provide seamless telecom services to consumers for improved in-building connectivity and prohibit any exclusive access to public buildings as defined above.
- g) Building Byelaws should also cover protection of in-building telecom infrastructure from any damage. Further, there should be a provision for fast courts/appeal mechanisms to enable priority in-building telecom access, similar to that adopted in EU nations [Page 11, Article 9 (European Commission)].
- h) Building bye-laws legislation can also provide an incentive model e.g. some waiver in the Registration amount etc. which encourages the building owners to provision for Common Infrastructure facilities to enable in-building telecom infrastructure.
- i) The above will have to be actioned through the Ministry of Urban Development.
- j) The provision of the in building infrastructure, i.e. laying of cables, installation, operation and maintenance of equipment necessary for provision of service, however should be required to be provided only by a licensed TSP.

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?

- a) It is first submitted that the provision of the in building infrastructure, i.e. laying of cables, installation, operation and maintenance of equipment necessary for provision of service, should be required to be carried out only by a licensed TSP.
- b) Sharing of In-building access should be encouraged, however it should not be mandated. This is because sharing of IBS/DAS depends on several factors such as coverage, capacity, QoS requirement, technical feasibility, type of IBS etc.
- c) As submitted above, the suggestion of the Authority that any contracts with an exclusivity clause with Building owners should be disallowed, can be a possible solution to achieve the desired objectives.
- d) Access to In-building infrastructure should be available to all licensed TSPs on fair, reasonable, transparent and non-discriminatory terms.



- e) We note that internationally too, in respect of in building infrastructure, the requirement is for the terms and conditions of access to be fair, non-discriminatory, objective, transparent and proportionate. We suggest that these principles may be adopted in case of India as well.
- f) The cost of laying the IBS infrastructure as well as regular maintenance can be a deterrent especially in case of large buildings like high rises etc. Some kind of incentive structure may be put in place to encourage laying of the in building infrastructure.
- g) The provider of the in building Infrastructure should also be responsible for its maintenance, including meeting any requirements of additional capacity/upgrades as may be required by any of the licensed TSP tenants.

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?

In addition to our submissions above, some international best practices may also be incorporated into the National Building Code, which may include:

- a) Provision of Common Telecom infrastructure facilities [adequate space and facilities for deployment and operation of plant [Singapore]
- b) Lay down detailed specifications of the space and facilities to be provided by the building owners [Singapore]
- c) Lay down the duties of the building owners and the TSPs in respect of the provision, utilization and maintenance of the space and facilities[Singapore]
- d) Provision for dispute resolution facilities [Europe]

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

- a) Please see submissions above.

New Delhi
21 July 2016