

1178/TRAI/ISPAI/19

September 30, 2019

Shri S. K. Singhal,
Advisor (BB&PA)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan,
Old-Minto Road, Near Zakir Husain College,
New Delhi – 110002

Subject: ISPAI response to TRAI Consultation Paper on Review of Scope of Infrastructure Providers Category-I (IP-I) Registration

Dear Sir,

We congratulate the Authority to have come out with the consultation paper on the matter captioned above and sincere thanks for providing us the opportunity to submit our response on this matter.

We have enclosed our comprehensive response for your consideration. We believe that the Authority would consider our response in positive perspective and incorporate our concerns on the subject matter.

Looking forward for your favourable consideration.

Thanking you,

With Best Regards,
For Internet Service Providers Association of India



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Encl: As above

Final Draft

ISP AI response to TRAI Consultation Paper on Review of Scope of Infrastructure Providers Category-I (IP-I) Registration

Issues for Consultation:

Q.1. Should the scope of Infrastructure Providers Category – I (IP-I) registration be enhanced to include provisioning of common sharable active infrastructure also?

Response: Yes, IP1 should be allowed to create and own active infrastructure.

The demand for capacity has seen an exponential growth. Where as Optical Fiber cable capacity has not grown due to various issue of road digging, restoration, right of way charges etc.

There is huge scope of creating large capacity by using high speed end equipment. DWDM equipment further allows manifold enhancement of capacity. This would enable much better viability of telecom capacity networks. Capacity utilization of end equipment would also go up. This would lead to lowering the per unit cost e.g. lower cost of transporting per GB.

Any services from this infrastructure should only be permitted to be given to Licensed Service Providers as per the allowed services of Licensed Service Provider. All terms and conditions as applicable to category of service provided by Licensed Service Provider should also be applicable to IP1 for the specific service. All compliances e.g. Circuits reporting to Licensor and TRAI for the service provided should be responsibility of IP1 provider. AGR as applicable to Licensed Service Provider for the category of the service should be applicable and payable by IP1 provider. Quality of Service norms should be equally applicable to IP1 as for Licensed Service Provider.

There is need to ensure ‘Same Service, Same Rules’.

Q.2. In case the answer to the preceding question is in the affirmative, then;

- i) What should be common sharable active infrastructure elements which can be permitted to be owned, established, and maintained by IP-I for provisioning on rent/lease/sale basis to service providers licensed/ permitted/ registered with DoT/ MIB? Please provide details of common sharable active infrastructure elements as well as the category of telecommunication service providers with whom such active infrastructure elements can be shared by IP-I, with justification.**

Response: IP1 should be allowed to own all telecom equipment including but not limited to Cable connectivity equipment, Routers, switches, Multiplexers., Wireless Nodes, FTTH termination equipment's, ONTs, OLTEs.

Alternatively, TRAI may define a “negative list” for what cannot be owned and shared. This will enable use of newer emerging and evolving technologies.

The “negative list” can be updated from time to time as authorities decide after due diligence.

Infrastructure services to be provided only to applicable Licensed Telecom Service Providers for the category of service as allowed to such Licensed Service Providers and also to Multi System Operators (MSOs) who hold a valid license issued by the Ministry of Information and Broadcasting (MIB).

- ii) **Should IP-I be allowed to provide end-to-end bandwidth through leased lines to service providers licensed/permitted/ registered with DoT/ MIB also? If yes, please provide details of category of service providers to it may be permitted with justification.**

Response: Infrastructure services including end to end bandwidth to be provided only to applicable Licensed Telecom Service Providers for category of services as allowed to such Licensed Service Providers and to registered MSOs.

All compliances e.g. reporting to Licensor and TRAI for all circuits/links provided should be responsibility of IP1 provider. AGR as applicable to Licensed Service Provider for the category of the service should be applicable and payable by IP1 provider.

- iii) **Whether the existing registration conditions applicable for IP-I are appropriate for enhanced scope or some change is required? If change is suggested, then please provide details with reasoning and justification.**

Response: We believe registration conditions would need explicitly allowing sharing of active infrastructure.

- iv) **Should IP-I be made eligible to obtain Wireless Telegraphy Licenses from Wireless Planning and Coordination (WPC) wing of the DoT for possessing and importing wireless equipment? What methodology should be adopted for this purpose?**

Response: Yes. IP-I be made eligible to own and obtain Wireless Telegraphy Licenses from Wireless Planning and Coordination (WPC) wing of the DoT for owning and possessing of wireless equipment.

Methodolgy: There should be fulfillment of condition that such Wireless equipment is feasible and currently usable by Licensed Service providers.

- v) **Should Microwave Backbone (MWB) spectrum allocation be permitted to IP-I for establishing point to point backbone connectivity using wireless transmission systems?**

Response: WPC Spectrum allocation should only be allowed to Licensed Telecom service providers.

Q.3. In case the answer to the preceding question in part (1) is in the negative, then suggest alternative means to facilitate faster rollout of active infrastructure elements at competitive prices.

Response: Not Applicable

Q.4. Any other issue relevant to this subject.

Response: Same Service Same rules has to be strictly followed.

The Right of Way (ROW) permission issued by the local authorities usually restricts the sharing of telecom infrastructure either by lease or sale. The ROW permission is non-assignable/non-transferable. The state government and local authorities should allow sharing of infrastructure like OFC / ducts with other licensed telecom service providers, Multi System Operators and other IP1.