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**Subject: ISPAI Response to TRAI Consultation Paper on “Use of Street Furniture for Small Cell and Aerial Fiber Deployment”**

Dear Sir,

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

We have enclosed our comprehensive response for your consideration.

We believe that the Authority would consider our response in positive perspective and incorporate the ISPs concerns on the subject matter.

Looking forward for your favorable consideration.

Thanking you,

With Best Regards,  
For Internet Service Providers Association of India



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**ISPAI Response to TRAI Consultation Paper on “USE OF STREET FURNITURE FOR SMALL CELL AND AERIAL FIBER DEPLOYMENT**

**Q.1: Is there a requirement for any modification in existing RoW Rules as notified by DoT to accommodate small cell deployment on street furniture? If yes, please provide the changes required.**

**Response:** Pre-specified Small Cell deployment should be incorporated after incorporating necessary changes into existing RoW policy which should be same across the country. In this regard, the Government of India has taken historic step by circulating draft policy guidelines on RoW which is currently under discussion with Industry. The aim of this draft policy is to address the policy gaps which remains unaddressed in the Right of Way (ROW) Rules, 2016 besides addressing 5G infrastructure requirements.

In addition to the above, we suggest the following specific provisions to be incorporated to accommodate small cell deployment on street furniture in existing RoW Rules, 2016 as amended from time to time:

- Wherever it is not feasible to lay underground fiber, permission should be available to lay pole-based structured Aerial fiber deployments as a part of street furniture especially in geographies where building underground fiber infrastructure is a challenge. For this purpose, Pole infrastructure require to be provided by State and Central Government authorities for deployment of Ariel cable by TSP/IP-1s. For this purpose, written permission requires to be provided for all street/pole facilities for Ariel cabling.
- Usage of Utility/Electricity/City Lighting Provider Poles, street light poles under local bodies to be provided by State and Central Government authorities for the deployment of overhead OFC infrastructure and their permission also need to be monitored through single window clearance portal and this need to be done without any discrimination.
- For locations where it is not feasible for the Government / Local authority to share the existing street furniture, applicants should be allowed to erect their own poles for detailed specifications must be defined like max. height, radius, weight etc.
- Usage of pole / street furniture must also be permitted for Unlicensed band Radios for Backhaul and Wi-Fi devices too.
- DoT LSA field units should be empowered to oversee grant of Right of Way permission in the State and would act as a nodal agency to administer ROW permissions by local

authorities in the State as well as Central agencies, such as Railways, PSUs, NHAI, PWD, Forest etc.

**Q.2: Have the amendments issued in 2021 to RoW rules 2016 been able to take care of the needs of aerial fiber deployment? If not, what further amendments can be suggested? Please provide exact text with justification.**

**Response:** It is our humble submission that the amendments issued in 2021 to RoW Rules, 2016 have not been able to take care of the needs of serial fibre deployment as we are of the view that these amendments must be brought in the form of law which should be made applicable to every central/state/local agencies. Even there are interpretational issues with regard to Gazette notification viz a viz draft guidelines issued by same department.

Apart from the above, the permission to install overhead fiber would be another biggest enabler to provide cost-effective broadband services as the installation and operational maintenance of overhead fiber is much faster and far cheaper than underground OFCs. Also, there should be a single window clearance with active cooperation of all local bodies. All state electricity poles, municipal poles should be allowed to use for laying of OFC cable and a proper mechanism for the same needs to be worked out. Key central Government Ministries / bodies are missing in RoW policy (like Railways, Defence, Gas pipeline network, Railway, Coastal area road).

The amendment in October 2021 prescribed one time charges not exceeding Rupees one thousand per Kilometre (and implying no recurring charges) for the over ground telegraph line established, the ISPs and TSPs welcomed the amendment. However, the same communication has not reached the state governments and the utilities like Electricity boards whose poles are used by the ISPs and TSPs extensively. Even after 6 months of the amendment, the state governments are still charging recurring charges for their poles. Some state electricity boards are charging higher ROW charges for Internet / telecom services compared to Cable TV services thus discriminating against telecom services.

Meanwhile, there was a draft ROW policy April 2022 by DOT recommending Rs. 100 per pole in per annum as ROW charges (contradicting Nil recurring charges in the Amendment in 2001) for Overhead fiber while also recommending NIL ROW charges for aerial fiber for small cells.

It is essential that ROW policy ensures that there is no discrimination on ROW charges based on the services for which the overhead cable network is established.

Some of the states like Odisha and Meghalaya are already charging pole rentals at Rs. 50 / pole and higher Pole rentals at Rs 100 per pole will be detrimental for 100% fiberization of macro cells as well as for wired internet penetration in the country which is currently very low at 9% of the households in the country.

To boost rural telecom infrastructure, the ROW charges by DISCOMs and local bodies may be fixed at 50% lower.

Corporate restructuring (like demergers/ business transfers) are common for various internal reasons. If the poles are used for one cable network which carries multiple services, and used by the same group companies – parent company (eg. for telecom services) and subsidiary company (eg. for cable TV services), the state government / the authority owning the poles shall not levy multiple pole rentals for parent and subsidiary, as such corporate restructuring is done for internal corporate purposes and should not penalise by multiple pole rentals as the cable network is the same. We humbly request to ensure that such anomalies are done away with.

**Q.3: What are the suggestions of stakeholders for aligning RoW policies issued by various other Central Government Bodies with existing DoT RoW policy?**

**Response:** Following are the suggestions for aligning the RoW policies issued by various other Central Government bodies with existing DoT RoW policy:

- There need to be three layer committee to be formed with representatives from DoT, Industry experts and other central PSUs in the field of telecommunication. Such national level committee should suggest over-all guidelines for RoW permission, charges and other governing rules. State level committee should co-ordinate with different state agencies, and ensure the implementation at state level. Stake holders from state level players must also be taken on-board to take care of state specific issues. Local body at SSA level headed by district collector, to take care of single point of contact for roll-out issues.
- Uniform and nominal ROW charges for all service providers.
- There should not be any additional costs which should be imposed on ISPs / TSPs by way of providing free bandwidth along with provision of penalty clauses. No charges should be levied for maintenance of laid/existing routes with permission. Further, there should not be any way leave charges.
- Government should create an online platform for Railway RoW Applications and with affordable RoW rate because current Railway RoW charges are very high.
- Deemed approval process and timeline of deemed approval should be reviewed and reduced to 30 days from 60 days from the date of application.
- DoT should also create a national GIS (Geographical Information System) common across all the agencies and which could be used by all these agencies to coordinate for issuing ROW permissions to Telecom Services providers. The single online portal should comprise State/UT wise GIS data for the applicant.
- Land demarcation data base is also not available with Government, and it is creating issues during RoW applications (like Railway, Forest, NHAI etc.). Same should be made available in a digital manner.
- A single window clearance is must for processing of all RoW permission applications by leveraging digital means to bring transparency and predictability with minimum

TAT of -30 days. There are significant number of Central Government Bodies such as NHAI, PWD, Railways, GAIL, IOCL, Bharat Petroleum, Hindustan Petroleum, Metro Rail, Smart City Authority, local Municipal Corporation (Multiple entities like KMC, GHMC), Railways, Forest, State Highways etc. - each authority is having different ROW process, & TAT for grant of permissions and therefore it becomes cumbersome for TSPs / IP-Is to follow the same with different agencies without any single window process.

- Government should set up central or state level agencies to monitor the success of the RoW policy, and report disputes in implementing the policies.
- There should be common policy for all central government bodies, state government bodies and local authorities and one central co-coordinator at each district level with direct supervision of DoT need to be created with precise timeline to grant permission for RoW.
- There are also no statutes or laws that provide protection of fibre assets of Telecom Service Providers which get damaged and cut by various other agencies including Utility providers while they dig to lay their own underground assets like water pipes, drainage systems, electric cables etc. during their own expansion plans. There is an immense need to incorporate necessary provisions in ROW 2016 Rules, as amended from time to time, towards safety of underground and overhead infrastructure assets and remedies thereof as these infrastructures have been deployed after payment of huge RoW charges.
- Annual rental charges practice adopted by various Central & State Authorities / Local bodies should be revoked and align with one-time RoW charges.
- Process of Refund of security deposit charged in ROW Demand Note should be made simpler with define timeline once it is due for refund.

**Q.4: Whether it should be mandated that certain public infrastructure (municipality buildings, post offices, bus, and railway stations, etc.) be earmarked to have dedicated spaces that allow service providers to deploy macro/small cells? If yes, what are the possibilities and under what legal framework this can be done? What should be the terms and conditions of use of such infrastructure? Please provide detailed inputs with justifications.**

**Response:** We are of the view that certainly certain public infrastructure be earmarked to have dedicated spaces that allow service providers to deploy macro/small cells in a non-discriminatory manner as this telecom infrastructure will facilitate seamless services experience to government staff as well as non-government staff who are using these locations.

All the government entities should be brought on the common platform of understanding on uniform ROW framework and rules by way of single window clearance.

RoW applications could be submitted by Telecom services providers in bulk or in phases for multiple such Government properties within the city. Once such requirement is received, a

common telecom infrastructure within the building or property could be created by already established IP license providers and could be them shared by telecom services providers.

It is also suggested that to deploy standard designed cabinet of specific dimension on Street Light Pole/Traffic Lights along with 24x7 Power Availability by the authorities will encourage operators to use these Poles for small cell deployment. This will ease the selection of street furniture and approval process for Service providers.

**Q.5: Can some of the street furniture like traffic lights, metro pillars etc be earmarked for mandatory sharing between controlling administrative authority and Telecom Service/Infrastructure providers for deployment of small cells and aerial fiber? Does existing legal framework support such mandating? What should be the terms and conditions of such sharing? Please provide details**

**Response:** YES, it has to be mandated. Whatever changes required in legal framework must be done in time bound manner.

**Q.6: How can infrastructure mutualization and infrastructure collaboration be ensured to avoid exclusive rights of way? What legal provisions can support mandating these? Provide full details.**

**Response:** Infrastructure mutualisation should be made mandatory, as it saves lot of duplication of infrastructure, which otherwise can be deployed to cover other un-connected areas. A detail can be worked out in consultation with all stake holders, but it has to happen in time bound manner. Apart from the same, this will also facilitate avoidance of exclusive rights of way to any single telecom services provider and will also help in optimizing the utilization of such street furniture across multiple telecom services providers.

**Q.7: Should there be permission exemption for deploying certain categories of small cells at all places or all categories of small cells at certain places (Like apartments etc.)? What legal framework will support such exemptions?**

**Response:** No Comments

**Q.8: What should be the criterion/ conditions (like power, height etc.) and administrative procedure for implementing such exemptions? Please provide exact text with detailed justifications**

**Response:** Predefined specification should be allowed to be installed without any permission. For power, uptime report of specified sites, can be taken into consideration, and based on power rating of device, standard billing procedure can be adopted by DISCOMs.

**Q.9: For Small Cells that do not fall under the exemption category, should there be a simplified administrative approval process (like bulk approvals etc.) for deployment? If yes, what should be the suggested process? If not, what should be the alternative approach?**

**Response:** No comments

**Q.10: What power related problems are envisaged in deploying small cells on street furniture? Please provide full details.**

**Response:** Getting permission for electricity meter at every street poles is not a viable solution. A common billing for all standard components, with uptime report and average power consumption or any alternate simplified method need to be worked out in consultation with DISCOMs and telecom/ infrastructure provider companies. It is also recommended that the DISCOMs charge a reasonable charges for telecom services at less than Rs 5 per unit.

**Q.11: What viable solutions are suggested to address these problems? Please provide full details.**

**Response:**

- Existing power distribution systems should be enhanced to ensure reliable power supply and backup for the telecom infra and equipment to be installed on the street furniture.
- Alternatively, place for UPS or power backup systems should also be made available for battery powered source for constant power supply along with the street furniture, provided there is technical and physical feasibility.
- Agreement with Power Companies/ DISCOMs to provide power supply on adhoc /street addresses or else earmark all those locations and give these address codes to obtain power connections.

**Q.12: Is there a need for standardizing the equipment or installation practices for next generation small cell deployment on street furniture? If yes, what are the suggested standards and what should be the institutional mechanisms for defining, and complying to them?**

**Response:**

- Since the existing space and power on street furniture is limited, it is important to standardize the specifications for equipment and installation practices for telecom equipment. The size of small cell equipment (Cabinet, holding box, device dimensions etc.) should be standard. The equipment should be modular in nature for installation and deinstallation needs. Further, there should not be any additional requirement for wiring.
- TRAI should also recommend that TEC should be involved in this activity of standardization and initiate separate activity with active participation from Industry stakeholders.

**Q.13: Is there a need for a specific mechanism for collaboration among local bodies /agencies for deployment of small cells and arialfiber using street furniture? If yes, what mechanisms should be put in place for collaboration among various local bodies/agencies involved in the process of permissions with TSPs/IP1s and to deal with other aspects of Small Cell deployment?**

**Response:** Already covered in our response answer to Q-3. Additionally, we wish to submit as follows:

- A common nodal agency should be formed across the local bodies / agencies who control / govern the street furniture to ensure suitable coordination among all the stakeholders.
- There should be an online interface for TSPs / IP-1s with nodal agency in a transparent manner.

**Q.14: Kindly suggest an enabling Framework that shall include suggestions about the role of various authorities, rules of coordination among them, compliance rules and responsibilities, approval process, levies of fees/penalties, access rules etc.**

**Response:**

- Nodal agency to be equipped with all the rules and regulations around ROW processes which is common across the stakeholders.
- Nodal agency would coordinate with respective local bodies / agencies to facilitate the permission from them in a timebound manner and timelines for such process should be strictly governed.
- Application process to be made online, simple and agile single window clearance.

**Q.15: How can sharing street furniture for small cell deployment be mandated or incentivized? What operational, regulatory, and licensing related issues are expected to be involved in sharing of small cells through various techniques in the Indian context and what are the suggested measures to deal with the same?**

**Response:**

- Sharing of passive infrastructure across the telecom services providers has been in practice for many years and the same has matured over a period of time. In a similar manner guidelines for active infrastructure such as small cells, transmission equipment can also be issued in view of the limited capacity of street furniture for hosting telecom equipment.
- Further, it is suggested that the street furniture providers for small cell deployment can be incentivized via chalking out a plan for complimentary services. In case of IoT a certain number of nodes/endpoints can be made available freely for them (AQI Sensors, Temp Humidity Sensors etc.).



- The Sharing of street furniture can also be made mandatory by putting in the clauses of tenders for all the PPP projects to develop public infrastructure.

**Q.16: Whether there should be any specific regulatory and legal framework to enable Small Cell and Aerial Cable deployment on**

**i. Bus Shelters ii. Billboards iii. Electric/Smart Poles iv. Traffic lights v. Any other street furniture**

**Response:**

- There should be uniform guidelines and rules for any kind of infrastructure as listed above being planned for installation of small cells and aerial fibre cables, and other telecom equipment.
- Sharing of such infrastructure should be encouraged through incentivizing the telecom services providers, this will ensure optimal and effective utilization of street furniture.
- Further, it is also suggested that the Central/State Govt./local authorities/ PSUs should provide proactive information related to leasing of passive infrastructure along with TSPs/IPs

**Q.17: What should be the commercial arrangements between the TSP's/Infrastructure Providers and street furniture owners for the same?**

**Response:** The commercial arrangement between provider and seeker of street furniture should be left on their mutual consent/ bilateral basis.

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