TIMES NETWORK'S COMMENTS
ON
TRAI CONSULATION PAPER
ON
ASSIGNMENT OF SPECTRUM FOR SPACE-BASED COMMUNICATION SERVICES

DATE OF ISSUE: 06.04.2023

DATE OF SUBMISSION OF COMMENTS: 01.06.2023

(Without Prejudice)

Times Network Comments:

1. The Telecom Regulatory Authority of India("TRAI") has come out with Consultation Paper ("CP") on Assignment of Spectrum for Space-based Communication Services. The background of this CP is the Department of Telecommunications' ("**DoT**") letter dated 16.08.2022 which requested TRAI to provide recommendations for granting spectrum to space-based communication services through auction.

2. It is submitted that the Television remains one of the largest media platforms with a reach of approximately 210 million households in 2020 (or 900 million individuals who watch TV). This large audience is serviced, directly or indirectly, by approximately 350 broadcasters, 1764 multisystem operators (MSOs) registered with the Ministry of Information and Broadcasting and 4 DTH operators and about 10 IPTV service providers.

3. The downlinks for all broadcasters intended for reception by MSOs currently takes place through the C-band. As the Consultation Paper notes, C-band *"ranges from 4 GHz to 8 GHz and is commonly used for fixed satellite services (FSS) such as television and radio broadcasting, telephony, and data transmission"*. This is aligned with the Radio Regulations, which is an international treaty binding on International Telecommunication Union member states, including India. It is also worth noting that unlike terrestrial spectrum, which is used for mobile communications, satellite spectrum has no national territorial limits and is international in character. It is therefore coordinated and managed by the UN agency, International Telecommunications Union (ITU).

4. Given the critical importance of the broadcasting sector (due to significant viewer interest and the fundamental right with respect to freedom of speech and expression), it is essential that the existing position with respect to 3700 to 4200 MHz is maintained and broadcasting services can continue to operate and thrive. Even recently, the operations in C-Band were disturbed as result of the decision to reduce the guard band for C-band from 3600-3700 MHz to 3670-3700MHz i.e., only 30 MHz as compared with 100MHz guard band as always been kept and major chunk of this guard band frequency is assigned to 5G services. This had led to a high potential interference in the said band and a deterioration of quality. Consequently, FSS (downlink) users operating in the C-band had to take necessary steps, such as retrofitting expensive band pass filter ("**BPF**") to protect the signal reception in the frequency range of 3.7 to 4.2 GHz band (the "**FSS System**") against 5G transmissions increasing their operational costs.

5. There is a fundamental difference in the telecom and broadcasting systems in the way the satellite bandwidth is used. In the telecom, the frequency is auctioned, and the telecom operator sets up the network in that frequency which is exclusive to the operator. The same does not apply to broadcasting as there is no frequency being exclusively allotted to broadcasters by the government. The government is only permitting the broadcaster to uplink its channel on a satellite of the broadcaster's choice, at a frequency band of the broadcaster's choice, which is being approved by government within existing guidelines. It is only a permission for a broadcaster to uplink its channel on a selected satellite at a particular frequency band. This is more for the records of the government and to enable concerned government agencies to monitor the contents being broadcast. The administrative process for satellite bandwidth is not an allocation. Hence the question of auction does not arise.

6. The DoT in its letter dated 16.08.2022 (Annexure-2 to the Consultation Paper) mentions auctioning the spectrum for space-based communication services on an exclusive basis. However, it is submitted that the exclusive assignment of frequency spectrum in higher frequency bands (such as C-band) for satellite communication services is not a practical solution.

7. We observe that DOT in its letter has not mentioned what constraints are being faced through administrative assignment of broadcasting spectrum. There have been no issues faced regarding assignment of the broadcasting spectrum administratively and the broadcasting services in the country has grown enormously under the present system and there are varied broadcasters from all over the country participating equally in the broadcasting activities.

   If the purpose of proposed plan of action is revenue maximisation of a natural resource, which the Government holds it on behalf of its people, then we state that revenue maximization in all areas should not be the sole purpose of the Government which should also keep in mind the larger public good so that such natural resources are used in the larger interest of the people.

   It may be not out of context to note herein that even in the constitutional reference made to the Hon'ble Supreme Court in the 2G case, the Hon'ble Supreme Court had observed that "*auction as a method of disposal of natural resource cannot be declared to be a constitutional mandate under Art. 14*" and that while "*auction may be best way of maximising revenue, but revenue maximisation may not always be the best way to serve public interest*".

8. DoT's letter disregards the fundamental distinction between satellite spectrum and terrestrial spectrum, and totally ignores the existing multiple uses of satellite spectrum. The DOT letter provides information related to space-based communication services, in response to TRAI's

inquiries in letters dated 27.09.2021 and 23.11.2021. in it, the DoT states its plans to auction satellite spectrum on exclusive basis, relevant part reproduced here: *"(b) It is envisaged to auction the Space Spectrum on exclusive basis. TRAI may explore feasibility and procedure of sharing auctioned spectrum among multiple service licensees. TRAI may provide recommendations on sharing of auctioned frequency bands between satellite networks and terrestrial networks also, the criteria for sharing and appropriate interference mitigation techniques for sharing and coexistence."*

(i) Our fundamental concern with DoT's Letter is that it has already made up its mind on how it plans to allocate satellite spectrum even before public consultation – *i.e., auction it on exclusive basis.* This limits the scope of TRAI's consultation. It is also worrisome because the Government has *suo moto* decided to auction satellite spectrum (without a public consultation or assessment of impact of such proposed changes on various existing services or without evaluating whether such a move would be in the public interest) on an exclusive basis, based on a fundamentally flawed premise.

(ii) The DoT's Letter disregards existing uses of satellite spectrum (such as the C-Band and the Ku-Band that are currently administratively assigned) for satellite broadcasting. The government is the custodian of natural resources, including spectrum, which are public property. Therefore, it must allocate these resources in the most efficient way based on each one's characteristics. The Supreme Court of India in the MIB v. CAB Judgment in 1995 held that 'airwaves' are a public resource, and a public authority should regulate their use in public interest. The Court also opined that the regulation of 'airwaves' in the public interest should guarantee access to diversity and plurality of opinions, because it is essential to the freedom of speech and expression under Article 19(1)(a) of the Indian Constitution. Hence auctioning of this spectrum will impact

Indian satellite broadcasting and therefore diversity and plurality of opinions in the Indian Media and Entertainment industry.

(iii) Any proposal for allocation or auction of satellite spectrum must factor in the socio-economic, legal, international aspects, along with impact of reallocation or reassignment. Any policy or fundamental change of law must also ensure continuity of operations and uninterrupted availability of important services.

(iv) Substantial investments of money, time and resources have been made to create satellite infrastructure for the provision of broadcast and cable services, which would be compromised and will result in lost satellite capacity as 5G interference in C Band will impact thousands of head ends. Even in the introduction of 5G in the United States of America, detailed deliberation preceded the allocation of C-Band for 5G services, where the regulators had persuaded the satellite and broadcast operators to vacate the C Band spectrum against huge compensation running into billions of USD, aside from planned transition considering the interference and other impacts. Notwithstanding, the transition is still subject to litigation and closure of issues.

(v) Any consultation about satellite spectrum must examine the most important aspect of an existential threat to broadcasters, being wholly dependent on the C Band spectrum for Uplinking and Downlinking of signals. Notably, the tone and tenor of the questions posed in the CP suggest the entire process to be a fait accompli and appear to predetermine 5G services as the preferred assignees without even examining the impact that it would cause upon both, the broadcast/satellite services and the 5G services. The context set in the CP, and the questions posed appear to unilaterally treat 5G services as the preferred utilization and assignment, for satellite/broadcast spectrum without due appreciation of

importance and role of broadcast, cable, and satellite, as an existing serving utility for public good, catering to the various elements of human interest namely news, education, entertainment, sports, and evolving media usage. It is pertinent to note that Cable and satellite Broadcast was declared to be an "*emergency and essential service"* during the pandemic since it was the most viable means of dissemination of information to the public about various protocols, guidelines, etc.

LIKELY IMPACT OF SPECTRUM ASSIGNMENT BY AUCTION

(i) Regulatory uncertainty for the Indian Satellite broadcasting Industry. We feel that any assignment of satellite spectrum ought to be considered vis-a-vis the terms of usage between the Government of India and the ITU, to examine whether the satellite spectrum can simply be auctioned at all. The proposal for auction of satellite spectrum is an aspect for concern, and it is highly debatable whether satellite spectrum can even be auctioned at all especially, since vertical frequencies of C Band, being satellite spectrum are part of a shared spectrum which is coordinated by the ITU and of which spectrum there is no scarcity. The very fact that satellite spectrum has no boundary limits and has an international character raises a fundamental question as to whether exercise of authority over such spectrum can be construed to be in consonance with such international treaty. It is our submission that assignment of satellite spectrum for broadcast should continue to be administratively assigned without compromising the existing stakeholders or creating any existential concerns for them.

(ii) Satellite spectrum is a shared global resource and auction of it will affect international coordination mechanisms. The satellite spectrum is a shared resource and is governed by ITU frequency coordination and different management rules. The allocation of

satellite spectrum requires both global coordination and national management, whereas terrestrial spectrum allocation is managed by the national government alone. As mentioned above, satellites are "space objects" that come under the jurisdiction of the ITU, which is a specialized UN agency responsible for allocation of global radio spectrum and satellite orbits, along with the development of common technical standards. As part of its management process, ITU has an international binding treaty for its 193 member countries, including India, called the "Radio Regulations" ("**RR**"). The RR determines how the radio frequency spectrum is shared across different services, including space services, and presents detailed guidelines on using specific equipment to ensure successful coexistence of services across the radio spectrum. According to ITU, international coordination is necessary on spectrum matters. The use of satellite spectrum involves regional coordination with neighbouring regions to avoid interference with spectrum use by other countries**.** It is essential for countries to follow a common global standard. Any deviation would disrupt existing and time-tested coordination mechanisms, as illustrated in the case of uplinking of a live event in Country A and downlinking it in Country B. Under the ITU's regulatory framework for space services, the right to use orbital and spectrum resources for a satellite network are negotiated with administrative authorities on a need basis, which would not be possible if spectrum is exclusively assigned to a service provider. The ITU's dispute resolution mechanism only provides for member states to be represented. In other words, there are no provisions under the ITU regulations for an exclusive spectrum holder to resolve disputes with other member states.

(iii) The revenue potential, and the social economic impact of the two sectors is also very different. This consultation exercise proposes to auction spectrum without having considered wider implications or

impact an auction will have upon the existing ecosystems, for e.g. Reduced competition and gatekeeping and hence impacting plurality and diversity of opinions. As satellite spectrum is non-rivalrous in nature, i.e., multiple satellite operators can use the same spectrum without diminishing the availability of that spectrum for others, then using an auction to provide exclusivity is inefficient, exclusionary, and hence anti-competitive. For example, in the B&CS sector, administrative assignment allows the C-Band to be shared between 350 broadcasters and 1764 MSOs for uplinking and downlinking of channels. If this were to be auctioned, many of these broadcasters and MSOs would not have the resources to acquire the necessary spectrum. Hence the auction creates entry barriers to the market for spectrum and many small broadcasters who are currently in the market would be deprived of the opportunity to broadcast their channels. Limitation of participation due to auctions would also reinforce concentration amongst dominant players, creating gatekeepers who could corner spectrum, rent-seek from broadcast and broadband providers, and create entry barriers.

(iv) Auction of satellite spectrum will result in reduced competition and impact plurality and diversity of views. This would limit / restrict content distribution, and potentially violate the broadcasters' freedom of speech and expression, since the right to propagate ideas has been recognized by the Supreme Court within ambit of free speech and expression. Additionally, the Supreme Court held that there could not be any restriction on the freedom of speech and expression on the grounds of public interest, or any grounds other than the restrictions prescribed within Article 19 (2) of the Indian Constitution. Furthermore, the Supreme Court in the 1995 'Airwaves Judgement' held that *"Airwaves being public property, it is the duty of the State to see that airwaves are so utilised as to advance the free speech right of the citizens which is served by*

ensuring plurality and diversity of views, opinions and ideas." Thus, is submitted that the broadcast sector must be guaranteed full protection against any such disruption which is being proposed through this consultation exercise.

(v) There may be disproportionate reduction in the usage and efficiency of satellite spectrum and complete destruction of value. Hence it is a very important reason why the auction methodology should not be followed for the assignment of satellite spectrum. Since satellite spectrum is a shared resource, there is an absence of break-up or fragmentation of the same. While terrestrial spectrum is identifiable as frequency chunks which are unique and different from others and therefore can be auctioned with clear right allocations in favour of successful bidders, the same is not true for satellite spectrum. There cannot be any exclusivity granted or claimed for satellite spectrum and the most important aspect is inability of the same to be divided into chunks or into some pre-determined units.

(vi) The wider objective and use of satellite spectrum (C-Band / Ku-Band) for broadcast is more important. Cable and satellite Broadcast has been and remains relevant to reach remote areas and for providing emergency services. The assignment of spectrum must acknowledge and appreciate the cost of the alternatives, for e.g., the provision of broadband services to enable internet access in underserved areas/population. It ought to be considered that to make internet/broadband affordable for all persons, the cost of provision of service(s) must be factored. It is apparent that interested telecom operators desiring to venture into this space have already made huge investments for deployment of satellites. In the event an auction takes place, the telecom operators would have no option but to pass on the burden of expenses to the end consumers, since they would purchase the same for a huge price at auction. This would make provision of internet services to end consumers

unaffordable when rates would escalate, as higher the operational costs, higher the price and lower penetration.

(vii) Auction of the C-Band and Ku-Band will lead to disruption in broadcasting services.

a. Interference between satellite-based services and terrestrial services and artificial scarcity of spectrum for satellite-based services: The B&CS sector has already faced interference with terrestrial services provided by Telcos in the recently auctioned 5G spectrum, as some portion of the C-Band (i.e., 3.3GHz to 3.67GHz) was auctioned in the 2022 auction, thereby reducing the guard band to just 30MHz from 100MHz. there is bound to be larger interference, if more frequencies in the C-Band are auctioned as proposed in the CP Additionally, if auctioned, C-Band frequencies (3.7-4.2 GHz) may be used for non-broadcast services and will create artificial scarcity for broadcasting services, which will have implications for the supply and hence the price for broadcasters.

b. Risk of satellite redundancies if non-broadcasting entities use satellite frequencies for terrestrial transmission: If satellite frequencies are auctioned, they could be used either for satellite or terrestrial transmission. If a spectrum holder decides to use these frequencies only for terrestrial transmission, would lead to redundancies of satellite.

c. If India's public broadcaster Prasar Bharati fails to secure frequencies either in the C-Band or Ku-Band, it may be unable to perform its important role in dissemination of news, entertainment, emergency communications or its statutory functions under the Prasar Bharati (Broadcasting Corporation of India) Act. Its DTH services Freedish may also get impacted.

d. Impact on coverage of international events, including live sports events. Long-established international coordination under the ITU-RR framework, currently, facilitates the

availability of broadcast signals of any live event from overseas into India, since the overseas uplinking service provider only shares frequency details for downlinking in India, close to the date of the event. However, the auction of frequencies would hold all spectrum usage subject to discretion of the spectrum holder, and gatekeep for a host of events and obligations for broadcast, impacting costs as well.

9. Mechanism of auction is unclear since multiple satellites, both Indian and foreign provide bandwidth to the broadcasters on the same frequencies. The current model allows the same frequency spectrum to be availed by different satellites, and hence, different broadcasters. The same (or overlapping) spectrum blocks may be assigned to multiple service providers/users, with each one operating using a different satellite. This is far more advantageous to the broadcasting industry, and to consumers in general, as it lets satellites sell services in the open market, thus reducing cost and promoting innovation. By permitting exclusive licenses or auctions, the government is itself creating barriers to entry and reducing competition, while simultaneously increasing costs.

10. The proposal is anti-competitive in nature which can kill an already established industry, a shining example of a home-grown industry which has global reach, which not only helps in information & entertainment of the Indian diaspora across the globe, but also helps in spreading Indian culture, values, and the growing economic and social stature of the country amongst the world community.

11. India is one of the most saturated markets in the world with more than 350 broadcasting companies with over 900 Television channels serving every genre in all major languages of the country. Any move to

make spectrum dearer will not only act as an entry barrier for the new companies but will threaten the survivability of the existing players and will lead to collapse of the Indian broadcasting industry. Only corporates with deep pockets will corner available satellite capacity and leave nothing for smaller but niche broadcasters. As a result of this uncalled-for consolidation, India will lose the multitude of voices and opinions that are the highlights of the fourth pillar of our democracy. Stifling the ability of smaller broadcasters to showcase their content by making the medium of distribution scarce and expensive could have a negative impact on India's global standing on Index of Freedom of Press indicators. Moreover, it may prevent rural/unconnected users, startups, micro, small and medium enterprises (MSMEs), and various socioeconomic sectors such as disaster management, agriculture, healthcare, education, transportation, energy and others from accessing the necessary spectrum for their operations.

12. Further, the idea of splitting up spectrum into multiple parts followed by setting-aside for certain services and then further re-assigning on non-shared and exclusive blocks for flexible use would imply that the policy is only for the select operators that are significant in the present market, have lesser inclination to innovate and would essentially trade off the essential spectrum resource within their satellite/mobile operations. This will close the door for truly innovative companies and henceforth the market will have limited choices and see a sub-optimal usage of spectrum resource.

Let's look back at the growth of the satellite broadcasting services in the country. In the nineties, a few Indian private satellite TV channels had started their operations by uplinking through foreign countries such as Hong Kong and Singapore. However, with the Government of India's liberalization of the uplinking from Indian soil post the Uplinking Guidelines of 2000 and 2001, there has been a massive growth in the uplinking of TV channels from India. There are presently 900 TV

channels in the country, however at no point of time in the last more than two decades, there has been an issue or difficulty faced in assignment of satellite bandwidth. Then a question arises, that why there is a need which is felt for change in assignment of the satellite spectrum for the broadcasting services. It should be noted that the Department of Space is responsible for coordinating the satellites for Indian broadcasting requirements and giving necessary approvals.

13. While the prices of streaming data are the lowest in India today, the availability of satellite television at the low-price points or at zero that DD FreeDish is available is an advantage for a large number of Indian households which will potentially be lost with broadcasters and satellite channels consolidating into the hands of the large corporates. This corporates with interest in both telecom and broadcasting will then be able to increase the prices of streaming data by choking the availability of content on satellite television. The content will also be controlled by the large entities.

14. India's digital revolution has been powered by the extremely low rates of internet data and streaming. It is undeniable that these along with a large variety of content on satellite television and the role that the television channels across genres and across languages have played in spreading the message of government of India and governments of different states has helped faster adoption of digital India initiatives which has multi-generational positive effects on all aspects of Indian society. The abilities of our government to reach Indians in every corner of our country in will be severely limited if the number and variety of broadcasters that we have today is lost. To reiterate there is enough reason to be afraid of such a loss of variety of voices that Indians find credible and are comfortable and are used to.

15. The proposed auction mechanism as envisaged in the CP would result in creation/concentration of market power by wiping out most of the competing smaller broadcasters or distribution platforms. If auction is undertaken for broadcasting satellite spectrum, it would mean most of the 900 broadcasters would not be able to either buy spectrum in auction or even afford to make licence fee / spectrum charges payments. This would mean broadcasting would become an exclusive privilege in the hands of a chosen few with deep pockets to afford provision of broadcast services. In effect, all that this would mean, there would be the concentration of ownership and control of all forms of content and carriage in the hands of a few telecommunication entities in the name of having a commonality of assignment of spectrum for telecom and broadcasting services.

16. Media companies the world over are facing decreased revenues, as a result of several factors, majorly, pandemic induced economic hardships, competition from online/digital media players and user generated video programming providers and most significantly due to increased competition from new media players, especially Big Tech large global companies that have become the "go-to" destination for news and entertainment, unregulated new media players, etc. have impacted the economic value of this industry. Hence, any proposal to auction the satellite spectrum will further stifle the already stressed broadcasting industry, which is essential not only for entertainment, but also for dissemination of information.

17. The broadcasters have strongly advocated to avoid "*one size fits all*" approach policy while dealing with broadcast spectrum. Even in the past, while the 5G auction discussions and consultation were going on, the broadcasters had raised the concern of interference.

18. Hence, as of now, *status quo* is the best option, and the only requirement is to address and keep a check on any anticompetitive or abuse of dominance practices and not to bring any change or proposal which can let the control go to any one or few hands or which could create regulatory roadblocks or disallow any stakeholder to compete freely.

Hence, we feel that the basic precept underlying the CP is flawed. Just because the Fixed Satellite Spectrum (FSS) used for telecommunication services are auctioned, there cannot be a basis for undertaking auction for broadcasting satellite spectrum (BSS) as in case of BSS, the spectrum used is not scarce and limited as in case of FSS.

In fact, before we contemplate making changes in the present situation, we should ask ourselves questions that due to non-existence of the proposed changes:

(i) Has there been a lack of growth in the broadcasting services?
(ii) Has the cost of the broadcasting services been higher for the customers?
(iii) Are there any impediments presently which have hindered the growth of the technology in the broadcasting sector?
(iv) What difficulties are caused to the stakeholders and viewers?

The answer to the above questions will be in the negative.

Then, we can run it through another test whether the proposed changes will or likely to:

(i) Result in higher concentration of power in the existing players?
(ii) Increase the dependence of the users on few service providers?
(iii) Put restriction on fundamental right of speech and expression?
(iv) Result in opaque and higher pricing?

The answer to these questions would be in the affirmative.

Hence, fundamentally we should first cross the hurdle --what is the need for auction of BSS as against the administrative assignment which has been the norm from the beginning. There is no rationale provided in the CP for contemplating or evaluating such change.

19. The Indian television industry not only caters to the viewers in India, but also reaches to the Indian diaspora in almost all the countries of the world. This is a shining example of globalization of the Indian business. Hence, the need is not to stifle the growth but to give the broadcasting industry, an enabling environment where it can flourish and contribute to India's emerging position as a soft power in the changing world order.

20. We don't see a requirement for making a unified policy framework for spectrum management for telecommunication and broadcasting services. The telecom services primarily use the terrestrial horizontal spectrum whereas the television services use the vertical space spectrum. The services are not similar and hence placing different services under a common policy will severely hamper and very adversely impact the broadcasting services in the country.

It will give an unfair advantage to the large telecom giants to also own and control the crucial broadcasting services in the country. There is a greater risk of actual shifting of control in foreign hands. The "same service, same rules" principle may not always be practical, especially given the significant revenue disparity between mobile and satellite operators in India.

21. The telecom services in the country are already moving towards an oligopolistic situation wherein only very few deep pocketed players are controlling the entire services. There has been successive hike in tariffs by the telecommunication entities in recent periods. The bandwidth cost has started witnessing an upward trend. Even the

public sector players have taken a great beating and are not able to sustain the fierce competition offered to them by the private telecom giants. The quality of services of mobile telephony, especially for voice calls, has greatly deteriorated over the period. The unwanted and unsolicited calls are unabated even after repeated attempts of the regulator to control them. There is no QoS regarding the internet speed a consumer gets. The ills of such an oligopolistic situation are already being felt by the hapless consumers. The consumers are forced to take data even if they only require voice services.

22. In the CP, TRAI has correctly noted that, "*on examination of the international experience on auction of spectrum for space-based communication services, it has been observed that a few countries, such as USA, Brazil and Saudi Arabia, have conducted auctions for frequency spectrum in the past. USA and Brazil conducted auction of satellite spectrum along with orbital slots. However, both the countries have reverted to administrative assignment. Therefore, it can be inferred that internationally, there is no design model available for auction of the frequency spectrum in higher frequency bands such as C-band, Ku band, and Ka band, which are sharable among multiple service providers."* Mexico and Thailand have also had failed attempts at auctioning satellite spectrum. However, other countries have assigned the same spectrum through administrative processes. This shows that auctions have not been entirely a successful method in assigning satellite spectrum. Presently there are over 350 different broadcasting companies with over 900 TV channels, 4 private DTH players, 1764 MSOs and about 60000 Local Cable Operators and the sector is highly diversified, and the ownership is also highly fragmented. If broadcasting satellite spectrum is auctioned, the few players over a period will gain dominance in the market and will indulge in anti-competitive practices. Consumer interest will be compromised as then he will be forced to depend on such entities for more of his requirements. The pricing of consumers will further become opaque through complicated plans

offered by telecommunication entities. The consumer who may wish to just avail broadcasting service from the combined offering, may not be able to do so.

Conclusion:

1. We suggest the preservation of existing users in the C-band, Ku and Ka bands and government follows the ITU guidelines of the use of coordinated satellite slots and the right of such users to be provided an environment of no-interference from any new system. It is reiterated that there exists significant consumer interest in the survival of the broadcasting sector. The rights of other service classes must not be prioritized over the rights of the broadcasting sector.

2. Satellite spectrum for use by broadcasters should continue to be administratively assigned as vertical frequencies of C Band is a shared spectrum which is coordinated by ITU and of which there is no scarcity. Status quo should be maintained as auctioning the same will have a detrimental impact on the broadcast industry.

3. Any recommendation that is finally made by TRAI must first consider the existential threat to the broadcasters and legacy users who are wholly dependent on the C Band spectrum for Uplinking and Downlinking of signals.

4. Frequency spectrum for broadcast satellite communication services ought not to be exclusively assigned to preserve media diversity and to avoid consolidation of frequency spectrums with larger entities. Rather, frequency spectrum should be assigned on a shared (non-exclusive) basis. The mandatory intra-band sharing of frequency spectrum with other satellite communication service providers does not appear to be a feasible policy. The sharing of frequency spectrum among satellite communication service providers should be left to mutual

coordination since there is no compelling need for an overarching framework.

5. Auctioning of satellite spectrum is not in public interest and the public interest may be severely hampered by not only increase in prices of the services but also in terms of the control of media by large corporate giants having interests in both telecom and broadcasting.

6. Seeking to auction such a shareable resource is an attempt to artificially change the characteristics of satellite spectrum. This will disrupt existing use cases of satellite spectrum and lead to market failures for such markets.

Hence, we strongly feel that the issue of auctioning of broadcasting spectrum raised in the consultation paper is not relevant and the assignment of spectrum for broadcasting services should continue to be done on an administrative basis as is done presently.

Thanking you,

Times Network
01.06.2023