

For Immediate Release

**Telecom Regulatory Authority of India**

**TRAI issues Consultation Paper on “Estimation of Access Facilitation Charges and Co-location Charges at Cable Landing Stations”**

**New Delhi, 18.10.2018** – The Telecom Regulatory Authority of India (TRAI) has today issued the Consultation Paper on **“Estimation of Access Facilitation Charges and Co-location Charges at Cable Landing Stations”**.

2. Access Facilitation Charges (AFC) are the charges, which are payable by International Long Distance Operators (ILDO)/ Internet Service Providers (ISP) to the owner of the cable landing station to access the acquired international bandwidth in a submarine cable. Submarine cables provide vital international telecommunication links between countries across the world. Submarine cables terminate in the country through cable landing stations.

3. TRAI had issued The International Telecommunication Cable Landing Stations Access Facilitation Charges and Co-Location Charges Regulations, 2012 on 21.12.2012. The AFC Charges and Co-location Charges specified in the Regulations dated 21.12.2012 were to be effective from 01.01.2013. However, it was challenged in the Hon’ble Madras High court by two of the Owners of Cable Landing Station (OCLS). The Single Judge Bench of the Hon’ble Madras High Court on 11.11.2016 had dismissed the writ petitions. But, appeals were filed by these two OCLS before a Division Bench of the Hon’ble Madras High Court. The Hon’ble Division Bench of Madras High Court vide its final Judgment and order dated 02.07.2018 had quashed the Schedules I, II and III of ‘The International Telecommunication Cable Landing Stations Access Facilitation Charges and Co-location Charges Regulations, 2012 dated 21.12.2012 and has directed that TRAI shall redo and re-enact the aforesaid schedules.




4. Subsequently, TRAI has filed Special Leave Petition in the Hon'ble Supreme Court against the judgment of the Division Bench of Hon'ble Madras High Court. Similar, Special Leave Petitions were also filed by other stakeholders in the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its Order dated 08.10.2018 has requested the Authority to re-work the figures on both counts within a period of six week. The two counts are 'Utilization factor' and 'Conversion factor' which were used for estimation of the Access Facilitation Charges.

5. In view of the above, Consultation Paper is released to re-work the figures of 'Utilization factor' and 'Conversion factor' used to estimate the Access Facilitation Charges and Co-location Charges in compliance to the Hon'ble Supreme Court order dated 08.10.2018. In order to meet the time frame directed by Hon'ble Supreme Court, the following schedule has been finalized for various events:

Last date for comments	-	29.10.2018
Last date for Counter comments	-	03.11.2018
Open House Discussion	-	05.11.2018 (Venue & time to be notified separately)

6. The Comments and Counter Comments may be sent, preferably in electronic form at [pradvnsl@traigov.in](mailto:pradvnsl@traigov.in) with a copy to [ja.nsl1@traigov.in](mailto:ja.nsl1@traigov.in). Comments and Counter Comments will be posted on TRAI's website [www.traigov.in](http://www.traigov.in). For any clarification/information, Shri U. K. Srivastava, Pr. Advisor (NSL) may be contacted at Telephone No. +91-11- 23233291.

  
(S. K. Gupta)  
Secretary, TRAI  
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