BIF Response to TRAI's CP on Ease of Doing Business in the Telecom and Broadcasting Sector

Preamble

At the outset, Broadband India Forum (BIF) would like to take this opportunity to thank Telecom Regulatory Authority of India (TRAI) for bringing out this extremely pertinent and important consultation paper on Ease of doing business in the Telecom & Broadcasting sector, that seeks a holistic review of the current bottlenecks to improve inter-ministerial coordination and streamline various compliances related to the telecom & broadcasting sectors. We understand that the Consultation Paper follows a decision taken by the Union Cabinet on September 15, 2021, to approve major reforms in the telecom sector. We also believe that with the involvement of the industry in this process, the Authority shall be able to make recommendations to DoT, MIB, MeitY, DoS, MoP and other related Ministries involved in cross-sectoral approvals and compliances that are in consonance with the broader economic objectives of the Government of India such as increasing FDI attractiveness, promoting Ease of Doing Business and realizing the vision of Digital India.

I) Issues Related to Telecom

a) BIF welcomes TRAI's initiative to promote 'Ease of doing Business in Telecom' as it is a giant step taken forward to unshackle the sector from its archaic laws, rules, processes and ways of doing business.

b) It will perhaps not be out of place to mention that many of the processes and procedures that govern a majority of the actions taken in this sector emanate from procedures whose origins are either not known or stem from archaic laws and considerations that were perhaps written and conceived 20-30 years ago. While these were perhaps justified when they were written, however with the march of technology and with the rapidly changing user's requirements and needs, time has probably come to review all of them and align them in view of the fast changing ecosystem.

c) Though lot of steps have already been taken both by the Regulator in framing forward looking regulations as well as by the DOT in framing forward looking policies which lay emphasis on innovation and equitable growth of the sector, however BIF feels that it may be important to identify the bottlenecks/obstacles that are perhaps acting as an impediment to Broadband penetration which perhaps could be overcome through intervention by the Authority.

In this context, BIF wishes to table some procedures and processes, which it feels are either not required or could be done away with as it will help improve the Ease of Doing Telecom Business. Please note that we have not raised any issues regarding Licensing & Policy aspects but only procedural issues. We have also not raised any Budget/Finance related issues as we believe it is outside the purview of this Consultation Paper.

Some of these are as given below:

a. Challenges in timely provision of Telecom Services using Satellite.
b. Simplification of procedures and processes for import of Capital Equipment to set up R&D labs out of India.
c. Making all Telecom Licensing/Registration Procedures online, transparent and approval in a time-bound manner including the process of deemed approval.
d. Sharing of active infrastructure along with passive infra for IP1s without change in licensing regime.
e. Simplification of OSP Registration process and its compliance requirements.
f. Modernisation and Improvement in functioning of WPC.
g. TEC Interface Approval Requirement to be done away with.
h. Removal of Computer-Related Invention (CRI) policy.
i. Transition periods for updates and amendments to BIS Regulations to be aligned with 2 year transitions.
j. Acceptance of international CB safety report and EMC report from laboratory, recognized by ILAC or EA MLA for BIS registration.
k. Registration validity: to include option for 5 year initial registration validity.
l. Facilitate seamless interconnection among networks.

Detailed Notes and Description about each of the points is given in Response to Q2

II) Issues Related to Broadcasting

Besides the above, we would like to recommend the following to improve Ease of Doing Business (EoDB) in the broadcasting sector:

Ministry of Information and Broadcasting ("MIB"):

a. MIB to institutionalize the mechanism/process for grant of permissions/approvals through a fully integrated online single window clearance system which is time-bound. Presently the entire process takes long, and the timelines are also uncertain.
b. The requirement of *seeking prior permissions* in most of the cases to be substituted with *giving prior intimations* by the broadcasters including permissions for change of name and logo of channel, temporary Uplinking.
c. Broadcasters already holding existing uplink and downlink permissions of TV channels may not require security clearance from Ministry of Home Affairs (MHA) every time they make an application for new channels/renewals. A one- time clearance given to the broadcaster to suffice as long as there is no change of ownership.
d. The requirement of obtaining prior approval of MHA in case of appointment of Director by companies overlaps with the compliance requirement mentioned under Companies Act and may be deleted. Instead, it may be clarified that channel permission once obtained shall be valid for few years viz., ten years instead of yearly renewal. Also, security clearance once granted, to be valid till the operational existence of the broadcaster, irrespective of the number of applications for new channels/renewals submitted by the broadcaster.

e. To facilitate M&A, there may be a time bound transfer of licences and acquisition via slump sale. Acquisition via NCLT sanctioned mergers or demergers to not require further permission from MIB as long as the resultant or transferee company is already a licensee under the Guidelines.

Wireless Planning and Co-ordination ("WPC"):

a. To facilitate ease of doing business, an online "single window" clearance system be introduced for teleports with standardized timelines that need to be adhered to by all concerned departments and ministries.
b. The validity of the WPC permission issued to teleports to be for 10 years.
c. The WPC portal be integrated with the "single window clearance system" so as to enable ease of doing business.

Network Operation and Control Center ("NOCC"):

a. There are inordinate delays faced in procuring requisite approvals within a stipulated timeline. There is an urgent need to make the entire process online.
b. In case WPC and NOCC permissions have been issued for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency to not necessitate a fresh WPC and NOCC permissions. An intimation to be given to the WPC and the NOCC in respect of such additional channels.
c. An online portal be created for obtaining NOCC permissions and the same be integrated with the "single window clearance system" so as to enable ease of doing business.

Telecom Regulatory Authority of India (TRAI):

a. TRAI's BIPS portal be equipped with Artificial Intelligence tools to make the entire process faster and ease submission of correct and accurate information with fewer typographical errors. Currently, Broadcasters face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of editable option, etc. while uploading the information sought by TRAI while submitting information on the BIPS portal, making the entire process cumbersome and against the spirit of ease of doing business.
b. It is submitted that the information uploaded by broadcaster on the BIPS portal be considered by TRAI. Any duplication of submissions (i.e. uploading of information on the website as well as separate submission by way of emails/physical communications) make the entire process burdensome.

In light of the above, we would like to submit our detailed comments and suggestions on reforms required in the regulatory processes, policies, practices, and procedures in broadcasting and other sectors in creating a conducive business environment in India.

Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

BIF Comments:

1.1. One of the crucial aspects of improving business conditions is to reduce the number of approvals, permissions required and avoiding the use of administrative fees as a source of revenue maximization. Also, the automation and speeding up of basic processes, will encourage faster business decision-making in the sector making it more competitive.

1.2. In view of the above, TRAI should recommend MIB to implement the following in light of the EoDB initiative in the broadcasting sector:

1.2.1. Introduce a fully functional and integrated "single window" clearance system:
   i. The greatest need of the hour in terms of administrative processes is to introduce a truly effective and meaningful online "single window" process wherein all relevant documents and fees can be uploaded, and the permission be issued online in a time bound manner. The portal to be a one-stop solution for all approvals and permission and be seamlessly integrated across various ministries/departments with the end-to-end online system. Though the Ministry has taken steps such as introducing "The Broadcast Seva" portal, the implementation and effective use is awaited eagerly by the sector. Currently, the broadcast seva portal doesn't serve as a single window clearance system and the filing of application requires submission of documents in physical format with no clear timelines defined.
   ii. The entire process involves approvals of multiple set of ministries and departments other than MIB, such as Ministry of Home Affairs ("MHA"), Department of Space ("DoS"), empaneled auditors of MIB, Ministry of Corporate Affairs ("MCA"), Ministry of Finance ("MoF"), Wireless Planning Commission ("WPC") and National Operations and Control ("NOCC"). The involvement of multiple ministries causes delay in getting approvals as they do not stick to any

stipulated timeframe and also derails business planning and payment of valuable forex to foreign satellite operators. Therefore, it is suggested that the WPC and NOCC process be also brought online and integrated into the single window clearance system that enables the filing of applications online with MIB and the concerned Ministries/Departments are asked to give their comments online through intranet amongst ministries. The entire process to be time bound so that satellite TV businesses can take time sensitive decisions.

1.2.2. Broadcast seva portal to allow submission of documents with digital signatures: The Broadcast Seva portal allows the broadcasters to submit various applications although documents such as affidavits and undertakings but still requires them to be submitted in original hard copies. This defeats the entire purpose behind ease of doing business as despite online submissions, physical submission of certain documents is still required for processing the application. It is suggested that digital signatures be accepted and accordingly, any document bearing digital signatures be allowed to be submitted online.

1.2.3. Change of Name and Logo be substituted from "seeking prior permission" to "giving prior intimation":

i. The dynamic nature of the satellite TV broadcast sector needs to respond to the ever-changing consumer interests, tastes and preferences based upon weekly system ratings. Hence, broadcasters require to adjust accordingly and thus, change the name and logo of their channels as they innovate upon the content being delivered through the TV channels. In view of the same, the process needs to be simplified and streamlined through the following:

   a) If there is no change in the applicant company's name and there is mere change in name and logo of any channel with no change in the technical parameters of an on-air channel i.e. no change in teleport, no change in frequency, no change in satellite or transponder or no dual illumination involved, a mere intimation with the prescribed processing fee (if it is changed within a year of getting license) to be required. While intimating, the applicant may be required to submit proof of Copyright and Trademark for the changed name and logo.

   b) In the case of only change of name and logo the endorsement by WPC/NOCC be done away with and instead a process of mere "intimation" be introduced as WPC/NOCC require updation of records at their respective ends. Once MIB acknowledges the change, the endorsement of WPC and NOCC of such change on the license of the teleport operator to only be for record keeping purposes.

   c) As for the requirement of applying for trademark registration of the logo of the channel, it is suggested that the same be done away with. The rationale being that if the incumbent broadcaster adopts a channel logo which infringes the trademark of another entity, the same will be challenged by the said entity.

If a court finally adjudicates that the logo adopted by the broadcaster indeed infringes the mark of another entity, MIB may ask the broadcaster to change the logo of the channel or revoke the permission.

d) In case of change in name and logo of a channel where there are technical changes involved, then the said changes along with the change in name and logo of a channel may also be applied online. Requisite permissions may be issued by MIB, DOS and DOT (WPC and NOCC) online within a fixed time frame.

1.2.4. Change of Format and Language:

i. Once a broadcaster has acquired necessary up-linking and downlinking permissions, the change in language of TV channel be permitted based upon an intimation by the respective broadcaster to MIB as any programming or content, in any language, is subject to the self-regulatory mechanism, including adherence with Code for the programming and content. Hence instituting any heavy-handed regulatory structure for it than what already exists would not be consistent with ease of doing business.

ii. Once a broadcaster has acquired necessary up-linking and downlinking permissions, it may be allowed to broadcast different variants of a TV channel such as SD, HD, 4K, etc. when the TV channel programming remains the same in all versions. Notwithstanding, the Ministry may require the Broadcaster to pay separate fees for each of the formats.

1.2.5. Licenses to be transferrable within a stipulated timeframe–

i. Companies usually restructure through merger, demerger or amalgamation so as to enhance the operational efficiency of that organization. There is a need to align the up-linking and downlinking guidelines with provisions of Companies Act. Sections 230 & 232 of the Companies Act, for the compromises, arrangements and amalgamations, provide that a notice of the meeting of shareholders and/or Directors along with scheme of compromise, arrangements and amalgamation (including merger or demerger) and other documents as may be prescribed, are mandated to be sent to all the Regional Directors, the income tax-authorities, the Reserve Bank of India, the Securities and Exchange Board, the Registrar, the respective stock exchanges, the Official Liquidator, the Competition Commission of India, and such other sectoral regulators or authorities (which would include the TRAI and MIB) which are likely to be affected by the compromise or arrangement. It is further required that representations, if any, by such authorities shall be made by them within a period of 30 (thirty) days from the date of receipt of such notice, failing which, it shall be presumed that they have no representations to make on the proposals. Hence, in view of the above and to improve the ease of doing business in the sector, we suggest the following:

a) If both the transferor company and transferee company are holders of permission for up-linking of a TV channel under up-linking and downlinking guidelines, then, the Ministry may grant permission for transfer of the permission held by the transferor company to the transferee company within the thirty day period set forth under section 230 of the Companies Act, 2013, subject to the net worth criteria being met by the transferee company post approval of the amalgamation, merger or demerger being approved pursuant to the provisions of the Companies Act.

b) Similarly, in case of transfer of business or undertaking in whole or part by way of a slump sale or an asset transfer, if both the transferor company and the transferee company are holders of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, the Ministry may grant approval within a stipulated period of 15/30 days, subject to the transferee company meeting the net worth criteria.

c) In so far as the transferee company is not a holder of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, The Ministry may make its representation to the proposal for merger, demerger, etc. within the time stipulated under the provisions of Section 230 of the Companies Act, 2013. Else it may be presumed that the proposal is approved subject to security clearance and net worth criteria being met.

1.2.6. Streamlining the Temporary Uplinking process for sporting events and removal of any processing fee charged for the same:

A. The sports broadcast business is primarily based upon making available live sports events. Presently, sports channels are treated as "non-news and current affairs" channels for the purpose of licensing by MIB and hence have to seek temporary permission for live uplink like any other channel in this category. The concern that arises over here is that as against other channels in the "non-news and current affairs" category such as GEC among others, the primary activity performed by sports channels is to reach consumers with live sports events. In view of the above, it is suggested that:

i. MIB may consider permitting issuance of short term/temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event and entertainment events in various languages) and also to assure audiences regarding the availability of overlapping live events (including events of national importance).

ii. The processing fee per channel per day for temporary uplink charged by MIB for a live event to be done away with. MIB, vide order dated Dec 13, 2017, has introduced a processing fee per channel per day for temporary uplink of a live event of Rs. 50,000 for Regional channels and Rs. 1,00,000 for National Channels. As Sports channels usually consist of live sporting events and cater to various regions, the amount being paid by broadcasters

towards temporary uplinking fees is mammoth, which runs into 4-5 crore per sporting event. The broadcasters pay charges of frequency allocation in WPC and monitoring changes by NOCC, through the teleport operators, who in turn charge the broadcasters. This is a deterrent to development of sports in India.

iii. A separate permission be issued for sports channels, by which such sports channels (having majority of content as live sports) can up-link from any location in India at any point of time without the need to seek individual permissions for every single match and venue. This would bring them at par with the "news and current affairs channels" as both are engaged primarily in live broadcasts.

iv. It may also be noted that most times when sports channels seek temporary uplink permission the same is being done to broadcast "events of national importance" as notified by MIB. Therefore, it is incumbent that the time consuming and cumbersome process for temporary uplink of sports channels be changed as per the suggestions given below:

  a) In the present regime the broadcasters are forced to get prior approval from three different bodies, MIB, WPC and NOCC even for minor changes. Such a mechanism does not encourage world class entertainment events or sporting events to be live broadcast by Indian channels.

  b) Sports broadcasters be allowed to broadcast live sporting events by way of a self-declaration stating that it will only live up-linking sporting events and no news or news related content shall be carried on such feed.

  c) For both sports and GEC channels: Applicants to merely intimate and get approval of the MIB within a prescribed time limit by giving macro details of the event which include, name of the tournament and teams involved, start and end date, details of the venue, etc. and a self-declaration that the live feed will only consist of sporting or general entertainment events. Within the total approved calendar schedule if there is any last minute change (due to unavoidable reasons like rain, law and order, etc.), the sports broadcaster be merely asked to intimate rather than wait for last minute amendment and approval.

  d) Sports broadcasters be permitted to seek temporary up-linking permission for their entire annual calendar of sporting events in one go.

  e) It is suggested that the period of 15 days prescribed for filing an application for temporary uplinking on a non-news channel be reduced to a period of 7 days, as there are many sports events which do not have clarity in respect of the schedule 15 days prior to the event.

  f) A broadcaster be allowed to use single frequency in "Multi Channel per Carrier" ("MCPC") mode for sending more than one contribution feeds from the venue. This will help better utilization of the bandwidth and allow advanced technology of multiple camera feeds etc. to be provided to the viewers by the broadcaster.

g) A broadcaster be allowed to use the same transmission frequency of a satellite transponder for which it may have the appropriate frequency approvals to be used for sending contribution feeds from the venue to the teleport in a reverse direction. This technology allows for utilizing the same transponder for contribution that is used for channel transmission and thus increases the efficiency of utilizing satellite capacity.

h) Also, in order to support varying business needs and consumer experience, MIB may consider permitting issuance of short term/temporary channel licenses, specifically to cater the need of broadcasting multiple feeds of the same live event (such as a sporting event in various languages) as well as assuring audiences the availability of overlapping live events (including events of national importance).

1.2.7. MIB to allow payment of annual renewal fees for the entire period of validity: The Annual Renewal Process for satellite TV channels needs to be simplified in order to improve the ease of doing business in this sector. It would be appropriate if annual renewal fee for 10 years be payable at a single go, while issuing fresh licenses. In addition, necessary provisions may be introduced whereby permission granted to broadcasters can be withdrawn by giving prior notice even when a broadcaster has permission for longer period.

1.2.8. Clarification on non-applicability of DoS approval on applications filed for shifting of channels to an approved teleport:

i. As per the notification dated February 22, 2017, issued by the Ministry of Information & Broadcasting in respect of Clause 9.2 of the Uplinking Guidelines, the condition to seek DOS approval has been waived. However, considering that the Clause 9.2 relates to Process for Obtaining Permission for new channels, we would sincerely appreciate if MIB could provide clarification that the said exemption on DOS approval shall also be applicable to the existing permission holders who seek to move the permitted channel(s) to an approved teleport. Further, in order to simplify the process, there be an online facility where all approved teleports/satellites may be listed.

ii. Similarly, foreign satellites are currently permitted to provide services only after the same have been coordinated with ISRO. MIB could thus obtain list of such Foreign Satellites from DoS which are coordinated with ISRO, and the list of such Foreign Satellites could be made available on MIB's website. Broadcasters could then be aware on the list of permitted Foreign Satellites, and avail services only from such permitted Foreign Satellites for uplinking of signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB's process for approving new channels or change of satellite (in case of permitted channels), wherein they could refer to such list of Foreign Satellites rather than sending the file to DOS on each occasion.

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

    a. **Simple, online and well-defined processes**
    b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
    c. **Precise and well-documented timelines along with the possibility of deemed approval**
    d. **Well-defined and time bound query system in place**
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    f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration**

Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.

BIF Comments:

2.1 BIF welcomes TRAI's initiative to promote 'Ease of doing Business in Telecom' as it is a giant step taken forward to unshackle the sector from its archaic laws, rules, processes and ways of doing business.

2.2 It will perhaps not be out of place to mention that many of the processes and procedures that govern a majority of the actions taken in this sector emanate from procedures whose origins are either not known or stem from archaic laws and considerations that were perhaps written and conceived 20-30 years ago. While these were perhaps justified when they were written, however, with the march of technology and with the rapidly changing user's requirements and needs, time has probably come to review all of them and align them in view of the fast changing ecosystem.

2.3 Though lot of steps have already been taken both by the Regulator in framing forward looking regulations as well as by the DOT in framing forward looking policies which lay emphasis on innovation and equitable growth of the sector, however, BIF feels that it may be important to identify the bottlenecks/obstacles that are perhaps acting as an impediment to Broadband penetration which perhaps could be overcome through intervention by the Authority.

2.4 In this context, BIF wishes to table some procedures and processes, which it feels are either not required or could be done away with as it will help improve the Ease of Doing Telecom Business. Please note that we have not raised any issues regarding Licensing & Policy aspects but only procedural issues. We have also not raised any Budget/Finance related issues as we believe it is outside the purview of this Consultation Paper.

2.5 Some of these are as given below:
    a. Challenges in timely provision of Telecom Services using Satellite
    b. Simplification of procedures & processes for import of Capital Equipment to set up R&D labs out of India

c. Making all Telecom Licensing/Registration Procedures online, transparent and approval in a time-bound manner including the process of deemed approval

d. Sharing of active infrastructure along with passive infra for IP1s without change in licensing regime

e. Simplification of OSP Registration process and its compliance requirements

f. Modernisation and Improvement in functioning of WPC

g. TEC Interface Approval Requirement be done away with

h. Removal of Computer-Related Invention (CRI) policy

i. Transition periods for updates and amendments to BIS Regulations to be aligned with 2 year transitions.

j. Acceptance of international CB safety report and EMC report from laboratory, recognized by ILAC or EA MLA for BIS registration

k. Registration validity: to include option for 5 year initial registration validity

l. Facilitate seamless interconnection among networks

2.6 Detailed Notes and Description about each of the points is given below:

2.6.1 <u>Challenges in provision of Telecom Services using Satellite</u>

2.6.1.1. Modern Satellite Technologies are well suited to meet High Speed High throughput broadband applications and services scattered over a vast geographical area and also where it is required to deliver a number of services simultaneously in a cost effective manner over rural and remote areas, either as a complement to terrestrial infrastructure, or used in conjunction with it.

2.6.1.2. The Government is already seized of the matter that the existing Satcom Policy needs to be modernized as it does not permit a VSAT provider to take capacity from a foreign satellite provider until it receives NOC from DOS which it usually takes a lot of time and needlessly adds a cost burden to it. This does not let the user directly interact with the capacity provider, thereby resulting in much of the idle capacity over India going waste.

2.6.1.3. This process is highly bureaucratic, cumbersome and fraught with long delays and creates needlessly a huge shortage of artificial satellite capacity, thereby leading to slowing down in introduction of new services besides increase in prices due to some procedural flaws.

2.6.1.4. There is need to streamline the procedure/process of allocation of satellite capacity and the frequency allocation for VSAT service providers. The timeline needs to be capped for this exercise and provided according to a scheduled time bound manner.

2.6.1.5. Duration of foreign satellite capacity contracts are for only 1 year. This is required to be extended for a period of at least 10-15 years or till the end of life of the satellite, whichever is earlier. This shall lead to more competitive satellite capacity prices.

2.6.1.6. Single window clearance for all clearances/approvals/payments through a transparent online mechanism in a time bound manner is strictly required.

2.6.1.7. Antrix/ISRO to charge the VSAT Service Provider for bandwidth only from the date of getting Uplink permission from WPC, and not from date of allocation of bandwidth.

2.6.1.8. The process of obtaining SACFA/WPC clearance at terminal level be done away with, after the Service Provider has obtained a Network Operating License. This will enable the process of expediting of broadband connectivity for the purpose of consumer broadband. As in the case where User terminal license is not applicable in the case of Smartphones/Cellular Mobile handsets (broadband terminals), the same be permitted here as well to facilitate expeditious proliferation of broadband penetration.

2.6.1.9. Simplification of process of license renewal for VSAT licensees to not involve requirement of NOC from DOS as has been permitted by MIB for DTH licensees

2.6.2. Simplification of procedures & processes for import of Capital Equipment to set up R & D labs out of India

2.6.2.1 One of the biggest challenges for R & D companies working on NG technology is that R&D and Product development process typically takes 1-2 years and it's absolutely imperative to streamline the process that would allow R&D companies to use experimental license for longer duration.

2.6.2.2 Impact: Significant amount of work on development of these new technologies is being moved to other countries because of uncertain and delayed approval processes. With deployment of 5G happening, there is a significant amount of new devices & ecosystem that would come up and we are missing global opportunities to support key programs viz. Make in India and Design in India.

2.6.3. Age old process to interconnect with BSNL and MTNL networks known as **TEC interface approval requirement needs a review and perhaps may be discontinued.** This is because the requirement has lost its relevance today and the process involved to get this approval is quite complex and time-consuming.

2.6.4. **There is perhaps scope for modernization and improvement in Functioning of WPC**. Areas of suggested improvement are:

a) Reduction in time delays during assignment of spectrum.

b) Introduction of more openness and transparency in their functioning.

c) Simplification of Complex & time consuming process of SACFA approvals is required by introducing online procedures.

d) Modernisation **of WPC** to grant it a unique position of a nodal agency responsible for efficient management of spectrum and for it to assume the position of the competent and ultimate authority for deciding efficient usage of all spectrum in a fair, reasonable and transparent manner.

e) Time bound response (within 7 days) to queries raised for RF clearances/Import License.

f) Release of E-band /V-band spectrum immediately.

g) WPC approval process for providing experimental and trial license is one of the biggest bottlenecks in working on NG technologies, viz. 5G, WiGig. The challenge is that the current process is extremely cumbersome. It takes 6-9 months to get experimental licence for 3 months, which is extendable for another 3 months. Post that, one has to go through similar application process with long lead times.

2.6.5. Enforcement of In-country security assurance testing:

2.6.5.1 There is clear lack of clarity in terms of:
a) How this testing is to be carried out?
b) What shall be the size of the statistical sample to be tested?
c) What if the sample is found defective? Will the sample be rejected or the entire lot?
d) Will it be done by batch testing?
e) Where will the equipment be tested as there are no standardization labs for security testing anywhere?

2.6.5.2. This is going to unnecessarily increase the Capex burden on the Operators and thus the Equipment vendors. Also, operators face major risks in supply chain disruptions. India witnessed in 2012, when equipment imports came to a grinding halt and status quo prevailed for over 6 months, thereby causing all round losses to all the stakeholders, including the Government, which lost out on precious revenues.

This situation must be avoided and as an interim action, the implementation of the requirement to test network equipment in India may be extended till the time the specifications for security are defined by 3GPP, and thereafter be introduced in a phased manner.

2.6.5.3. Products may be tested once per major HW/SW release, rather than batch testing which if introduced, would create supply chain bottlenecks and increase the CAPEX for operators and have an indirect effect to increase the import bill of electronics and telecom of India, besides delaying implementation/roll-out of critical networks.

2.6.6 Procedures & processes for import of Capital equipment to set up R&D labs out of India need to be reviewed as it will be detrimental to the growth of telecom infrastructure and deny India the opportunity to possibly become a global R&D hub and in particular, may lead to loss of a big opportunity in wake of development work on 5G.

2.6.6.1. Customs authorities are always insisting on obtaining permission from the MoEF for importing all second hand/refurbished electronic goods for the purpose of research and development, testing and other similar authorized operations of the STPI and SEZ. These conditions/requirements are causing undue delays in importing second hand/refurbished goods by the equipment manufacturers for genuine reasons.

2.6.6.2. It is requested that all second hand/refurbished goods that are imported into India may not be required to get clearance from MoEF. Further, clearance from MoEF be required only in respect of goods that qualify as 'waste/scrap'. Alternatively, it may be clarified that second hand/refurbished goods when imported by SEZ/STPI units for the purpose of carrying out their authorized

operations in the nature of testing or for R&D, may not require prior clearances from MoEF.

2.6.7 **Anti-Dumping Duty (ADD) to not be levied on other products viz. non-SDH products. Given below is the brief and impact:**

2.6.7.1. In year 2010, Directorate General of Anti-dumping and Allied Duties (DGAD) imposed ADD ranging from 3% to 266% in respect of import of Synchronous Digital Hierarchy (SDH) transmission equipment imported from China/Israel. As a result, this is making products manufactured by some of our members uncompetitive in Indian Telecom Market. DGAD initially imposed this ADD for 5 years and despite representations (by telecom operators/equipment vendors), in December 2014, DGAD has extended the Sun-set review (in progress) for imposition of such Anti Dumping Duties, and to examine the need and adequacy of the safeguard duty. We therefore request that Anti Dumping Duty not be used as a tool of protection by the domestic industry for their own inefficiencies. Even after lapse of years since the imposition of Anti Dumping Duty on SDH, the domestic industry has not taken steps towards capacity building.

2.6.7.2. Given that development in technology has resulted in development of other optical transmission products in which SDH functionalities are subsumed, such new products (viz. DWDM, PTN, OTN, etc.) may not attract any ADD.

2.6.7.3. Further, although said notification itself is still under fundamental challenge since 2009 before the Supreme Court and the CESTAT, but the Department of Revenue Intelligence had, on the basis of complaints filed by the same domestic manufacturer, initiated coercive investigations against telecom service providers and equipment vendors for recovery of alleged evasion of anti-dumping duty. Most of these recoveries were passed on to the equipment vendors by the service providers. In such cases, these recoveries by service provider has resulted in multi million dollars of increased additional cost and has also forced some of these manufacturers to pay ADD even on import of components for SDH manufacturing in India.

2.6.7.4. It is suggested to withdraw ADD on SDH products as it is already in existence for past 7-8 years. With technology advancement, demand for SDH products has also reduced, but small quantities are required for legacy services and local manufacturing is unviable for small volumes.

2.6.7.5. The higher tax being paid by companies will essentially mean investors get lower dividend. This would discourage FDI in to the country and India being perceived as a non-favorable/not as a business viable destination by large global investors community.

2.6.7.6. Request the government to consider the possibility of getting dividend taxation back to the earlier level and reduce the effective DDT.

2.6.8 Standardisation:

2.6.8.1. Updates on regulations: Transition periods are too short. It is humbly suggested that these may be aligned with 2 year transitions as is a practice in other parts of the world

By setting the transition period for updates and amendments to BIS regulation, the industry and the test labs cannot fulfill the required actions to comply with the updated regulations. Due to this, BIS has to postpone due dates for regulations and amendments several times, which weakens the credibility of BIS. The suppliers too do not respond promptly anymore because they are counting on a relaxation of the transition period.

2.6.8.2. Recommendation:

*We request BIS to consider a sufficient transition period - say 2 years, and during this transition period allow concurrent application of both old and new editions. This practice would also help BIS avoid frequent extensions and its implementation as sugg*ested by the *Industry. Considering the availability of components and mobilization of resources and suppliers (OEM/ODM), re-manufacturing and required test time, the least minimum time for this transition time is one year.*

2.6.8.3. *India would do well to follow The EU harmonization process which works well. The transition period for EU standards is three years and for any new/amended legislation, it is 2 years. In EU, concurrent application of both old and new editions are allowed during this transition period.*

2.6.9 Acceptance of international CB safety report and EMC report from laboratory, recognized by ILAC or EA MLA for BIS registration:

2.6.9.1. The shipment of samples for test to BIS test labs is time and cost consuming. Other countries accept CB report and EMC report to grant certificate after review by their certification engineers.

2.6.9.2. **Recommendation:**

As the CRO (Common Regulatory Objectives) scheme has matured well and items compliances are getting in place, we request BIS to accept the CB report and EMC report from accredited laboratories outside India also when products are tested according to the applicable international standards technical equivalent to Indian Standard in force.

This would be in line with Article 12 of "THE BUREAU OF INDIAN STANDARDS ACT, 2016 NO. 11 OF 2016 [21st March, 2016.]":

Quote

(1) The Bureau may notify a specific or different conformity assessment scheme for any goods, article, process, system or service or for a group of goods, articles, processes, systems or services, as the case may be, with

respect to any Indian Standard or any other standard in a manner as may be specified by regulations.

Unquote

ILAC: International Laboratory Accreditation CooperationEA MLA: European Accreditation Multilateral Agreement

2.6.10. Registration validity: Include option for 5 years initial registration validity:

2.6.10.1.   As per current provisions, every registration needs to be renewed after every 2 years, even if neither the registered products, nor the applicable standards were updated. It is a short period especially when there is no change in the registered product.

2.6.10.2. **Recommendation:**
   i.   Please note - 2 years' renewal may be suitable for consumer products but for high precision technology equipment the typical lifetime is more than 5 years.
   ii.   We therefore ask BIS to consider the possibility to have an initial validity of 5 years when registering a new product with BIS and afterwards renewal period can be 2 years.
   iii.   Implement an initial registration validity of 5 years next to the existing 2 years.
   iv.   In order to differentiate if needed, the validity date may be linked to the cost of a product [more expensive (if cost > 5000 USD) -> longer validity of 5 Year is permissible].

2.6.11. Sharing of active infrastructure

2.6.11.1. In last couple of years, based on TRAI recommendation, DoT has allowed sharing of passive and some of active (limited) infrastructure. Presently there are still some restrictions on the sharing of both active and passive infrastructure between various telecom operators and infrastructure providers. This has resulted in unnecessary duplication of infrastructure. Current the need is to allow full-fledged sharing of infrastructure instead of it being done in a limited way.

2.6.11.2. All infrastructure/equipment sharing to be permitted across all licenses (including Internet Service Providers) without any restrictions, to ensure effective and efficient usage of costly telecom equipment/infrastructure built. This will ultimately lead to more efficient utilization, leading to reduction in OPEX for service providers and better business case for infrastructure creators.

2.6.12. Facilitate seamless interconnection across networks

2.6.12.1. In today's world of convergence, all the regulatory imbalances in the area of interconnectivity need to be removed. The telecom service provider or the consumer/user must have the option to choose the type of connectivity itself.

2.6.12.2. In order to realize the true potential of convergence of services, network and devices, and to achieve the stated objectives of the convergence goals of Network/Services/devices, the restrictions/ barriers between different PSTN/IP/CUG-PSTN networks may be removed under the Unified License to ensure seamless interconnection.

2.6.12.3. In our view, CUG-PSTN interconnection is equally vital and important for continued growth trajectory for the BPOs/Enterprise Data Services sector. Enterprise/BPOs require this flexibility for their in-house captive requirements. In the absence of such flexibility, there would be unnecessarily investment on duplicating the infrastructure separately on voice and data networks. CUG/VPN-PSTN interconnection would lead to interconnection of IP and TDM networks.

2.6.12.4. This regulatory imbalance, if removed, would go a long way in promoting ease of doing telecom business in India.

2.6.13. Simplification of OSP Registration and its compliance requirements:

2.16.13.1. The concept of registering with DOT was introduced to facilitate Call Center business, which in early 1990s, required calling via IPLC/IP based calling, as making calls using conventional PSTN calling was considered very expensive. Thus, in order to give this special exemption to call centers, the calling from IPLC was allowed for Companies having OSP registration. The initial requirement was also more from a statistical perspective. Thus, the requirement of OSP registration was introduced for Services like call centers, network operation centers, tele-marketing, tele-education, tele-medicine, tele-trading, e-commerce, etc. using infrastructure provided by various access providers registered under Other Service Providers (OSP) category as provided in NTP'99.

2.16.13.2. Registration of OSP was originally required essentially for the purpose of -
   i.   Statistical information
   ii.   Ensuring that their activities do not infringe upon the jurisdiction of other access providers.
   iii. Providing special dispensation to boost the BPO sector.
         The third point above is the most significant one, as the registration was meant to boost the BPO sector. However, over time, the dynamics of things have changed drastically and there is a real need to examine if OSP registrations are really getting any special dispensation, or instead are being made to offer services in a more restrictive manner.

2.16.13.3. We believe the OSP registration process should be simplified, unless certain notable special privileges can be extended to the OSPs viz. non OSP enterprise customer.

i. International/Domestic OSPs not belonging to same company/group company are not allowed to connect to each other network within India for voice/non-voice traffic (data) connectivity. Outsourcing by bigger entities to smaller entities (third party) is restricted. Sharing of telecom bandwidth with other legal entities to be allowed.

ii. Currently International OSP network is not allowed to interconnect with Domestic OSP which is resulting the high expenses and not proper utilization of network too. While a non OSP can do the same without any restriction. In order to promote the ease of doing business, interconnection between international OSPs and Domestic OSPs networks within India to be allowed without any restriction.

iii. As per OSP Chapter IV (A-4) "No voice traffic shall flow between the Domestic and international OSP centers and/or cause bypass of the network of the Authorised Telecom Service Providers.

iv. In order to follow the rules, companies need to have agents supporting both domestic and international call centers raised to increase expenses for following this rule.

v. Interconnectivity of the International OSP with Domestic OSP/PSTN is not permitted. In our view, sharing of infrastructure and single EPABX between International OSP and Domestic OSP be allowed and PSTN connectivity to the International OSP at the Indian end be allowed as well.

vi. No PSTN connectivity is permitted to the International OSP at the Indian end. However, PSTN connectivity on foreign end is permitted having facility of both inbound and outbound calls. This may be removed.

vii. The OSP should get network diagram approved by Telecom Service Provider(s) from whom the resources are taken. As long as the telecom resources are taken form Authorised TSPs, there may not be any requirement for submitting Network Diagram. If the same cannot be done away with, then certain basic parameters be laid down, to ease the submission.

viii. There is a serious need to relook at the requirement for companies to register themselves with DOT for taking an OSP registration. This requirement has outlived its purpose and it is time that we allow free play to the enterprise customer who have set up their BPO/call center operations in India. Large chunk of business is shifting to other countries like Philippines, China, Americas due to these restrictive nature of service offering. India possesses the technical edge in the form of skilled manpower and other real estate infrastructure, but with these Telecom restrictions in place, we are losing out on new opportunities that are likely to be shifted to other countries without there being sufficient Ease of Doing Business in India. We strongly urge DOT to remove the requirement of OSP registration or bring in clear and significant advantage to OSP customer.

2.6.14. **Removing Lawful Interception requirement for enterprise in-premises private wireless networks**:

2.6.14.1. For advancement of Industry 4.0, telecom operators and vendors may partner to deploy private LTE/4G networks for enterprises that will get a dedicated wireless network for business-critical machines, sensors and workers. LTE/4G provides a high performance scalable future proof in-premises network. All solution components (Core, RAN access points) are deployed on premises and are for sole usage of the enterprise. All user data remains inside the premises of the facility without any exposure to outside networks.

2.6.14.2. We understand that Lawful Interception/Monitoring requirements should not be applicable to telecom operators deploying such private LTE networks, since no user data is moving out of premises. It is requested that DoT issue a clarification for the same as it will go a long way in promotion and adoption of Industry 4.0 solutions, contributing immensely to economic growth and productivity.

2.7 The current timeline provided granting a UL/UL(VNO) license is up to 120 days. We request the following in this regard:
a. The DOT has a dedicated portal for submitting applications. Currently, there are only three stages that are visible for an applicant
    i. Submitted
    ii. Under Process
    iii. Completed
b. It is recommended that the stage-wise approvals/comments are recorded on the site. It will be more transparent and easier to monitor.
c. It would also be beneficial if the inter-departmental movement of the request can be traced.
d. The entire process to have a guaranteed turnaround time (TAT), including stage-wise TAT.

2.8 In addition to the above, there is lack of clarity on adoption of UL license of a Virtual Network Operator (VNO) license. The National Digital Communications Policy 2018, under the National Broadband mission, has listed convergence in areas such as IP-PSTN switching as one of the strategies. The convergence is much needed to realize the full potential of the VNO license.

2.9 Virtual Network Operator (VNO) license is a service license meant for those service providers who do not wish to deploy their own network and rely on Network Service Operator (NSO) for telecom resources. The compliance burden and financial conditions associated with telecom networks is relaxed under the VNO license, hence it is most suitable for cloud based communication service providers aiming to deliver Digital services to the populace. The large section of the society can access these Digital services through data connectivity which were hitherto not available to them.

2.10 The recent pandemic has accelerated the Digital Transformation journey of consumers and businesses big and small alike. This has encouraged innovative solutions in the areas of workflow management, collaboration tools and unified communication. The application of these solutions and tools are across the board in all sectors, it is more visible in the services sector, e-commerce, e-education, e-healthcare, etc.

2.11 Communication Service Providers (CSP) have developed or repurposed their existing products to leap-frog this Digital connect opportunity through faster deployment of data centers and software solutions. Few examples of these solutions are:

a. **Web based Conferencing**: This is a web-based solution for exchange of information and views with a group of participants. The work from home/ anywhere environment has brought the utility of this solution to the forefront in many areas, including office work and education. Webinars are generally used for information dissemination to a large group of participants. The rapid adoption of this solution has pushed the CSPs to add new features viz. instant messaging, sharing of documents, recording of events, whiteboard for collaboration. Some of the participants may be located in poor internet zone or using mobile hotspots. In such cases there is a need to connect to the meeting/ webinar using a PSTN dial-in number for audio connectivity. The regulations are unclear on converging IP and PSTN traffic for such solutions.

b. **Contact Centre Solution**: The domestic and global contact centers (GCC) have emerged as a major employment source. Post the liberalization of the OSP guidelines, these contact centers are expanding to Tier-2 and Tier-3 cities, thereby generating employment in hitherto un-covered areas. Most of the agents are working from home (WFH) from far flung areas. This contact center solution has dependence on PSTN connectivity and under the present VNO license, this connectivity is permitted from only one NSO provider, which impacts reliability of the solution that can be achieved through a redundant architecture.

c. **Collaboration Tools**: Customer engagement is the mantra for success in modern business environment. The organization should have a 360-degree view of the customer interaction, with integration of customer resource planning (CRM) tools, sales monitoring tools, enterprise resources management (ERP) systems and the communication system. The client service executive has to have all the information on a single screen as well as the ability to call any landline/mobile held by the customer from the agents' computer. This is possible by taking full advantage of the convergence of IP and PSTN.

2.12 Issues in the VNO license

	Current position	Why is change required	Impact of reform on India as a country
IP-PSTN mixing	Permitted only in NSO network	• NDCP 2018 envisages convergence of IT and	• Enhances digital services viz. hybrid work, WFH, Web

		Telecom through IP-PSTN switching. • Most countries permit convergence	3.0 services, financial services to small businesses
Multiple PSTN connectivity	Not clearly permitted under VNO	• Build redundancy in network • Permitted for other services (internet, NLD, ILD)	• Enhanced Quality of Experience (QoE) for consumer
Lawful intercept and monitoring (LIM)	System specifications for lawful intercept under VNO license not provided	• PSTN is already monitored under NSO network and internet is monitored under ISP network • Uncertainty about whether a pure VNO (without any telecom infrastructure) need to deploy any LIM system	• Eliminates duplicity in network • Removes uncertainty for licensee

a. **IP-PSTN mixing:**
   i. Communication Service Providers (CSP) may like to acquire a Virtual Network License (VNO) license in order to deploy data center infrastructure in India and offer communication services. However, the present VNO license permits mixing of IP-PSTN in Network Service Operator (NSO) network and not in the VNO network, thereby reducing the flexibility of the VNO licensee. In the event they procure a full-fledged UL license, then they will be subject to strict compliance burden which is envisaged for a core network deployment, this is not the case for these application service providers.
   ii. These solutions are hosted on the cloud and mixing of IP communication with PSTN connectivity is integral to the network architecture of the CSPs, thus creating a limitation of the existing VNO license. The VNO licensee procures access to landline services (PSTN) from Network Service Operators (NSO), and the internet bandwidth is procured from ISPs. All calls to landline/mobile are routed through the NSO network, and all internet traffic from any location in India/abroad is routed through the ISP network. CSPs use PSTN services as a network resource or raw material and create innovative products and services.
   iii. Thus, suitable changes may be incorporated in the VNO license to increase its suitability for cloud based communication service providers.
b. **Multiple PSTN connectivity:**
   i. The VNO license permits parenting to only one NSO for access services. No such restriction applies for other services (internet, NLD, ILD). Since the CSP is dependent

on PSTN, they need to be connected to more than one NSO for landline services in order to provide redundancy in its network architecture. This specific point may be suitably clarified to build redundancy in the wireline connectivity.

c. **Lawful intercept:**

   i. Communication Service Providers (CSPs) may procure any of the two licenses as per their needs and service offerings:

   A. <u>VNO license:</u>

   I. The access license condition mentions that the licensee shall own and install, test and commission all the Applicable systems parented to NSO(s) for providing the Service authorized under this License agreement if required. If equipment capable of monitoring is available with the Licensee, otherwise it shall be the responsibility of parent NSO(s). In that case the VNO licensee has to intimate the Licensor prior to commencement of service.

   II. The VNO access licensee does not provide user identifiable numbers and is solely reliant on the NSO for these numbering resources. The PSTN calls get monitored in the NSO network. They intend to provide data services under the VNO Access license. In case of data services, the Lawful Intercept and Monitoring is covered under TEC No. GR/IPLC-01/01 JUL 2007. This system is provided by CDOT under the CMS project and applicable to ISP license.

   B. <u>Unified License</u> – The access licensee permits provision of voice, SMS and data services. The system requirement for intercept of Voice call is mentioned in the Access license condition below and the detailed specifications are provided in TEC/GR/SW/LIS-001/04/JUN-17. Such capability needs to be demonstrated to the licensor and approval sought prior to the commencement of service.

   C. *Lawful Interception and Monitoring equipment for trouble free operations of <u>monitoring of at least 480 simultaneous calls</u> as per requirement with at least 30 simultaneous calls for each of the designated security/law enforcement agencies. Each MSC of the Licensee in the service area shall have the capacity for provisioning of <u>at least 3000 numbers for monitoring</u>. Presently there are ten (10) designated security/ law enforcement agencies.*

   As may be seen from the above, the system requirements are designed for voice calls.

   D. In the absence of clarity on the above issues, some of the CSPs are going ahead and procuring UL license instead of VNO license. Regardless, these licensees do not intent to deploy core network and continue to rely on NSOs for numbering resources and PSTN connectivity. Clarity is needed that is such circumstances, the UL licensee can rely on the lawful interception system of the NSO network, and they do not have to install such systems which are designed for voice calls.

Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.

BIF Comments: No Comments

Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?

BIF Comments: No Comments

Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:

a. What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?

b. What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?

BIF Comments: No Comments

Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:
   a. **In-transit permits**
   b. **Pre-repair permits**
   c. **Post-repair permits**
Provide your suggestions for each activity separately.

BIF Comments: Please Refer to our detailed Comments to Q2 above

Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:
   a. **Relevance of EMF radiation audit and its impact for quick roll out of the network**
   b. **Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field**
   c. **Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.**

BIF Comments: No Comments

Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of

new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.

BIF Comments: Please refer to our detailed comments to Q2 above

Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

    a. **Simple, online and well-defined processes**
    b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
    c. **Precise and well-documented timelines along with the possibility of deemed approval**
    d. **Well-defined and time bound query system in place**
    e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**
    f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate**

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

BIF Comments:

9.1. Better co-ordination:

  9.1.1. The core factors affecting the issue of "operationalization of TV channel" as caused by Wireless Planning & Coordination Wing (hereinafter "WPC") remain the same, i.e. (a) better inter-departmental coordination; (b) identification of clear-cut timelines; and (c) creating enabling framework for new technologies. The manner in which these factors affect WPC and Network Operation & Control Centre (hereinafter "NOCC") clearances have been detailed as follows:

      i. Introduction of new technologies and digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency may not necessitate fresh WPC and NOCC permissions. A mere intimation may be given to the WPC and the NOCC in respect of such additional channels. In any event, the WPC is actively engaged in monitoring of such channels. Further, these last moment permissions from WPC and NOCC lead to lapse of validity period of "operationalization" as well as forfeiture of the performance bank guarantees (hereinafter "PBG"). This incurs a heavy loss to the business in terms of rollout

obligation. Thus, the term "operationalization" of TV channel has to be preceded by a major streamlining of part of WPC, NOCC and MIB.

ii. Provision for a single annual application to WPC/NOCC for the entire duration of a year or the relevant period, in case of broadcasters with an advance calendar of live entertainment, sporting and non-news events for a year. Provided that following long-term/annual approval, a separate notification shall be sent to the WPC/NOCC of transponder capacity use (This will greatly reduce the possibility of accidental rogue carrier uplink, as the satellite, transponder and frequency will be allocated long-term).

iii. These kinds of rogue carriers have been experienced by broadcasters which seriously impact the legitimate carrier and hence the feed and the consumer's Television experience.

9.2. Use of DSNG and Teleport for temporary Uplinking permission:

9.2.1 It has been the aim of the Government to make Indian Teleport Industry the Commercial Hub for the "Global Turnaround" of the channels from east to west, India being geographically located in such a favourable zone. For this proposition to succeed, it is pertinent to reduce the financial burden on the teleport & DSNG service providers of the Country.

9.2.2 In support of our view, and as teleport consumers, we would like to submit as under:

(i) The process of applying for MIB Permission for events to be made an Online 24x7 system, for new permissions and for amendments. There should be single window clearance system in MIB, WPC and NOCC regarding Application & Approval of temporary events. At the moment, it is a very cumbersome process of coordinating between three departments/ministries to get permission for temporary live telecast of any event. Since GOI departments are operational 5 days a week, while any event can be calendared between Sunday to Saturday, getting all three permissions within a reasonable period of time, especially for high profile events, becomes extremely cumbersome and stressful.

(ii) In case of sporting Events, including ongoing tournament-based and continuing events like cricket, football, etc., MIB may issue its permission on the basis of number of days and locations only. Exact time and exact dates should not be insisted upon, as experience shows that they get changed at the last moment for reasons such as rain, power failure, election, law & order situation or any other local situation. For example, in the case of an event like Khelo India or IPL, which is spread over a period of two months and spread across many locations within the country, MIB may issue a permission for the complete duration (i.e. no. of days) and locations mentioned in the application. By adding requirements for exact dates/timing, any last minute change creates a rush toward respective Ministry(ies) to seek amendment at the last moment.

(iii) Also, due to unavoidable reasons, if a particular stadium cannot be used and if another stadium is available within the same city/town, the applicant should be allowed to use the second stadium as far as the city/town remains the same.

(iv) WPC Fee to be based on an event basis and not be based on frequencies to be used in the event. For example: for 21 days falling under the 2 or 3 months period attracts 3 months WPC fee subjected for single frequency spot. But if the consistent frequency is not available, then per frequency fee is multiplied. For 3 months period, if we use three different frequency slots (as consistent frequency for longer duration becomes very tough to get), WPC fee becomes 9 times (3 x 3 months) and this is a serious pinching point for broadcasters.

(v) For temporary live uplinking services such as Sports, Corporate events, etc. that require the use of DSNG vans/terminals, the WPC Wing to charge on hourly or daily basis rather than for a whole month, which is presently followed. We request the MIB to take up this issue with the WPC wing, in the interest of holding more events (like sporting/mega entertainment events) in the country. Alternately, they may fix a fee of Rs. 5000/- (Min) or Rs. 25,000/- (max) to be levied per event.

(vi) Following are the Illustrations where we try to elaborate this issue.
If any temporary event is there for 3 days using 9 MHz satellite BW on any of the Indian satellite, say, 30th March to 1st April, then WPC Wing will be charging spectrum royalty for minimum for 2 months, i.e. for 60 days viz. whereas the event is only for 3 Days, the user is paying BW charges (9 MHz) for 3 Days only to the Satellite service provider (3 Days X Rs. 45000/- =Rs. 135000/- and WPC charges (9 MHz X Rs. 140,000/-, /12 X 2 = Rs. 2,10,000/ - (Royalty) + Rs 1000/- (License Fees).
(As explained above, for an event which is only for a period of three days, WPC charges spectrum fee for 60 days and this is both unfair and unjustified.)

(vii) Irrespective of frequency used, fee to be levied on transmission basis. This practice is being followed in other countries like Sri Lanka, Bangladesh, Singapore, UAE, UK, etc.

(viii) Mostly in all the countries, the Regulator only charges nominal License fees for administrative purposes. No separate Spectrum charges or any satellite monitoring charges (such as NOCC fees) is charged. Only a single fee, as charge by the satellite service provider is being paid globally along-with the nominal license fees for administrative purposes. OR

(ix) WPC fees be charged on daily basis (i.e. Per day charges), as it is being charged by the NOCC and all the satellite operators across the globe charges on the basis of per day rate / per minute rate.

(x) MIB application to be on-line and by an automation route, rather than submitting 3~4 weeks prior to start of an event. Nowadays, because of operational reasons many of the details such as satellite details, venue, etc. are decided at a later stage.

9.3 WPC to remove any restriction placed on the bit rate that can be used for TV channels uplinked through a teleport:

9.3.1. Recently, the Telecommunication Engineering Centre (TEC) released its "STANDARD FOR INTERFACE REQUIREMENTS TEC 42012:2021" that

removed restriction on bit rate that can be used per HD channel and SD channel. Additionally, there are no standards set by ITU or DVB w.r.t. a particular bit rate that must be used for the broadcast of TV signals over satellite. Hence, TEC has allowed the broadcasters to select their desired bit rate as it would be in the broadcaster's interest to ensure that the signal broadcasted by them is of the highest quality. This is also to bring parity between channels uplinked from India and uplinked from other countries, where such "bit rate" restrictions are not in force.

9.3.2   At present the bit rate per HD channel and SD channel enforced by WPC is:

Sr. No.	Compression Type	HD Bit Rate (min)	SD Bit Rate (min)
1	MPEG2	7.0 Mbps	2.0 Mbps
2	MPEG4 or h.264	5.0 Mbps	1.5 Mbps
3	HEVC or h.265	3.5 Mbps	1.5 Mbps

9.3.3.   The table below is an example of the number of channels that can be accommodated in a full transponder of 36 MHz exited by one carrier with one frequency, one MCPC and with DVB-S2, 8-PSK modulation with ¾ FEC if the archaic restriction is removed forthwith:

Sr. No.	Compression Type	HD channels	OR	SD channels
1	MPEG2	8	OR	30
2	MPEG4 or h.264	12	OR	40
3	HEVC or h.265	17	OR	40

9.3.4.   This will not only pave way for introduction of new futuristic technologies like 4K technologies and 4K or UHD channels for Indian viewers, it can also reduce forex outflow as majority of Indian broadcasters use foreign satellites and pay in foreign exchange.

9.3.5.   Since the limit on bitrate has been removed by TEC, the same may be acknowledged and recognized by WPC so that broadcasters are allowed to use a data rate that best suits the requirement within the approved satellite capacity.

9.3.6.   Please also refer to sub-sections 1 & 2 of our detailed response to Q2 above which pertains to activities of WPC which need streamlining.

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:
   a. **Simple, online and well-defined processes**
   b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**

c. **Precise and well-documented timelines along with the possibility of deemed approval**

d. **Well-defined and time bound query system in place**

e. **Seamless integration and approvals across various ministries/departments with the end-to-end online system**

f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

<u>**BIF Comments:**</u>

10.1. The core factors affecting ease of doing business including those related to assignment of frequencies by WPC remain the same, i.e. (a) better inter-departmental coordination; (b) identification of clear-cut timelines; & (c) creating enabling framework for new technologies.

10.2. The manner in which these factors affect WPC and NOCC clearances have been detailed as follows:

(i) Even though WPC and NOCC belong to Department of Telecommunication, for some unknown reasons, they are located in different buildings and the endorsement/approval happen one after the other, leading to delay in getting required approvals within a stipulated timeline. Operators are asked to pay Bandwidth/Frequency allocation and monitoring charges separately. This entire process needs restructuring and rationalization.

(ii) Another reason for delay is because WPC has been adopting a six monthly window system for assignment of broadcast frequencies after the 2G verdict of the Hon'ble Supreme Court in 2012. It is incumbent upon DoT to seek clarification from the Hon'ble Supreme Court regarding the assignment of broadcast frequencies as the same is for "captive" purposes as against telecom spectrum.

(iii) Introduction of new technologies and digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency may not necessitate fresh WPC and NOCC permissions. A mere intimation may be given to the WPC and the NOCC in respect of such additional channels. In any event the WPC is actively engaged in monitoring of such channels. Further, these last moment permissions from WPC and NOCC lead to lapse of validity period of "operationalization" as well as forfeiture of the performance bank guarantees. This incurs a heavy loss to the business in terms of rollout obligation.

(iv) In view of the same, it is suggested that major streamlining of part of WPC, NOCC and MIB is required presently in order to facilitate ease of doing business. It is suggested that an online portal be created for NOCC permissions and the same be

integrated with the "single window clearance system" so as to enable ease of doing business.

Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**

d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval**

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

BIF Comments:

11.1 At the outset, the industry is grateful for the acknowledgement by TRAI on the overlaps that exist between multiple certifications and multiple authorities. We highly recommend removal of overlaps from the said certifications, including MTCTE from TEC, ETA from WPC, COMSEC from NCCS and others and a single-window scheme be introduced.

11.2 In addition, we recommend the following:
  (i) The Phase 4 of MTCTE is currently bifurcated into two parts with two different timelines:
    a. EMI/EMC and Safety requirements: February 1, 2022
    b. TR requirements: July 1, 2022
  (ii) As you must be aware, Safety tests are destructive in nature, and once a sample is tested for safety requirements they can't be used for any other testing. Because of the bifurcation of the certification of Phase-4, the OEMs would be forced to arrange minimum two sample for testing Phase-4 products. This would unnecessarily double the sample and certification costs for the OEMs/applicants.
  (iii) It is requested that the bifurcation be removed and all parameters be made mandatory within a single timeline, so as to empower the OEM to choose the sequence of tests. Apart from reducing the cost and manpower by the OEM, it will also reduce the burden on the authority to issue two certificates – interim and complete

11.3 **Decouple National Security Directive for Telecom Scheme (NSDTS) and MTCTE:**
Currently there is a pre-requisite of obtaining a Trusted Product certification to further
obtain the MTCTE certification. This is problematic because the NSDT scheme is only
applicable to products in the Indian public telecom network, whereas the MTCTE scheme
is applicable to all telecom products sold or imported in the country. Further, the NSDT
scheme is still in its early stages of implementation and evolution. If the schemes are
coupled, there will be delay in certification, which will further disrupt installation in
critical infrastructure.

11.4 **Industry consultations for change in procedures:** TEC conducts regular Mandatory
Testing Consultative Forum (MATCOF) for discussions pertaining to Essential
Requirements (ER) and General Requirements (GR). However, there are no active
consultations for any procedure related changes. It is recommended that an Annual
MATCOF is conducted to review the procedures of the MTCTE scheme to understand
the challenges faced by the applicants, CABs and other members of the ecosystem.

**Q12. What measures should be taken to ensure that there is no duplicity in standards or in
testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out
various testing approvals? Provide your reply with justification.**

BIF Comments:

12.1. Commonalities in Various regulations in India:

	BIS	WPC	MTCTE	ComSec
Concerned Ministry	Bureau of Indian Standards MEITY, Department of Consumer Affairs	Wireless Planning Commission (WPC), Department of Telecommunications	Telecom Engineering Centre (TEC) Department of Telecommunications	National Centre for Communication Security (NCCS) Department of Telecommunications
Application format		Saral sanchar portal	MTCTE portal	To be announced
Effective Duration	2,3,5 years Depending on fee	No end date	5 years	5 years
Domains	Safety (IS 13252, IEC 60950)	Radio Frequency	Safety (IS 13252, IEC 60950, IEC 62368) EMC/EMI Radio Frequency Telecom	Communication Security
Product categories	Consumer ICT products	Telecom products in the delicensed band	All telecom products	All telecom products

Products common in Scope with MTCTE	IPMCE, Servers, Smart Cameras,	Wi-Fi Access Points	loT Gateway, Wi-Fi Access Points, WLAN Controller Equipment, PTP PMP Wireless Access Equipment, Smart Camera, Router, LAN Switch, Optical Networking (DWDM), IP MCE, Conferencing Equipment, IP Security Equipment	IP Routers, PON Devices, SDH/SONET, DWDM, DXC, Wi-Fi Products, IoT/Cellular Gateway, etc.
Avg lab Test cost for in-country testing in India (INR)	80,000 – 120,000	0 (No in-country testing, submit global TR)	10,00,000 – 40,00,000	10,00,000 – 40,00,000
Avg Certification Cost	100,000	10,000	300,000	300,000

12.2. It must be noted that the present consultation does not capture the essentials of the National Security Directive in Telecom (NSDT), which is governed by the National Security Council (NSC). The Directive attributes Trusted Source to the OEM supplying products and 'Trusted Products' which are installed in the Indian public telecom network.

12.3 Given the above context, we propose the following:

12.3.1. **Integration of ETA and MTCTE:**

i. As is evident in the above table, there is overlap between products, testing parameters between ETA and MTCTE. WPC also requires only global test reports, which is currently valid under the MTCTE regime till June 30, 2022. Presently, it is unclear whether global test reports will be acceptable for ETA after June 30, 2022. Further, both respective agencies – WPC and TEC – are under the domain of the DOT. In light of this, we propose the following:
   a. Option 1: Subsume ETA approval for Wi-Fi products under MTCTE scheme. Eliminate separate filing entirely for ETA approvals.
   b. Option 2: Retain ETA approvals but offer a section within the MTCTE portal to seek ETA approvals. This will eliminate separate filing for ETA approval under the Saral Sanchar portal.

c. In both cases, it is recommended that additional fees for WPC approval is removed.

12.3.2. **Integration of CRO and MTCTE:**

A. The BIS regulation seeks information pertaining to two key aspects of the products – Safety and the supply chain (location of manufacture). For example, BIS provides factory authorization (location-based approval) and factory registration requires documents such as Business license, ISO. Therefore, the Factory owns the certificate. However, in TEC, Brand is manufacturer.

B. The supply chain parameters for telecom products are also governed by the NSDT regime under NSC.

C. There is also an overlap between products that are covered under the present phases of both CRO and MTCTE regulations. In a recent MATCOF by TEC, more consumer products like Servers and ICT equipment were proposed under Phase V, which is expected to be made mandatory by January 2023.

D. Therefore, there is a clear overlap in the testing parameters and products between the CRO, NSDT and MTCTE regulations. In light of this, we propose the following:

E. Integration can be done in phases:

  i. Phase 1 - Use of Single safety test report across CRO and MTCTE

    a) Since TEC is overarching of BIS, testing for common products for both regulations be done under MTCTE and safety results be used for CRO.

    b) For products that are not covered under TEC, separate safety testing to be performed for BIS, but Test Reports be used in future for TEC (in case these products come under TEC scope).

    c) Safety Test Reports be acceptable by both departments irrespective of labs (TEC to accept Test Reports from BIS approved labs and vice-versa).

  ii. Phase 2 – Integration of complete process:

    a) Common portal for BIS and TEC with various option of roles access – separate users for BIS and TEC. User authorization of the portal be given to multiple users for the given company.

    b) Portability of test reports and report formats across BIS and TEC.

    c) Optimization of certification fee between 2 agencies with single payment method.

    d) Single certification to be leveraged for BIS and TEC.

    e) Uniform documentation.

    f) Single label.

    g) Single cert repository.

    h) Single renewal timeline & process.

    i) Internal alignment of various departments.

12.3.3. **Alignment of BIS, ComSec, ECR/EP, etc. Main Tested Model/Hardware Configs with TEC**

A. If the worst-case configuration for each regulation differs, we end importing different set of Hardware of all types of testing. At present, TEC worst case Configuration might not be the worst case configuration for ComSec and so for ECR/EP. For e.g., For ECR/EP we need to use the highest power consumed Optics, while TEC limits these optics type as per IEEE Standards, so when ECR/EP becomes mandatory in-country testing we might face these issues.

B. Main and associated model definition to be uniform for all ComSec, ECR/EP, TEC, etc. It will make sure we get one hardware to test and comply all the Indian Certification.

Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity**

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

BIF Comments:

13.1. All broadcasters use satellites for the delivery of channels to the recipient DTH operators, MSOs and LCOs as applicable. As ISRO satellites are not readily available or available with sufficient capacity, many of the Indian broadcasters use foreign satellites in addition to INSAT/GSAT satellites. As regards use of Indian satellites, no technical parameters have been given so as to compare Indian satellites with foreign satellites, to make an informed decision while choosing the satellites for broadcast of TV channels. Broadcasters bear considerable cost to lease transponder capacity, and the foreign satellites used by broadcasters are usually bound by long term contractual obligations, which are difficult to break away from. In case the broadcasters are forced to migrate to Indian satellites, then breach of the contractual obligations would lead to serious implications including payment of exit fees, long drawn litigation or arbitration. Additionally, if broadcasters are forced prematurely to migrate to Indian satellites and the artificial scarcity of spectrum allocation is highlighted, then the implementation of "open sky" policy will be hampered. As of now, there is no scarcity of orbital spectrum if the foreign satellites are used, while mandatory up-linking from India to Indian

Satellite may cause scarcity of transponders and restrict growth of the broadcast sector. Furthermore, Indian satellites are not well equipped to provide replacements or backups in cases of technical glitches.

13.2. In view of the above, we suggest the following:

(i) It is suggested that the validity of the permission/approval issued by DoS for use of satellite and transponder be same as the uplink and downlink permission for TV channel issued by MIB. The Uplink Downlink permission issued by MIB is valid for a period of 10 years whereas the validity of the DoS permission/approval is valid for 3 years.

(ii) Foreign satellites are permitted to provide services only after the same have been coordinated with ISRO. MIB could thus obtain list of such Foreign Satellites from DoS that are approved/coordinated with ISRO, and the list of such Foreign Satellites could be made available on MIB's website and any application on these satellites may have automatic approvals. Broadcasters could then be aware on the list of permitted Foreign Satellites, and avail services only from such permitted Foreign Satellites for uplinking of signals. The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate MIB's process for approving new channels, wherein they could refer to such list of Foreign Satellites for every new applicant, rather than sending the files to DOS each time. Only the satellites not coordinated may be referred to DOS/ISRO for their comments/approval. The broadcasters may be free to sign up with the satellite provider once the application has been approved, so that there are no undue payments needing to be maintained to foreign satellite companies for periods up to a year, without being able to commence services.

(iii) Satellite Bandwidth (BW) be pre-approved when leased out to the users, i.e. when DOS allocates any satellite BW to the users, the said BW would be pre-approved by the various agencies such as MIB, NOCC, WPC, etc., so that the user can use the BW immediately after the allocation. This will ensure faster/efficient utilization (of bandwidth).

(iv) Else DOS may charge the users/applicants from the day of actual use of the BW after getting all the requisite approvals by granting a reasonable period of say, 3 months, for such approval.

(v) When a new ISRO satellite is being marketed, which is owned and operated by the Government of India, they too follow the same methodology of charging end user, although the other departments concerned in granting final approvals, namely MIB, WPC and NOCC are also the wings of the Government of India.

(vi) Since ISRO wants to encourage Indian broadcasters to use Indian satellites, DOS may start charging broadcasters from the day they obtained all the necessary clearances from MIB, WPC and NOCC.

(vii) There may be online filing of application for INSAT capacity reservation/allocation for these services, i.e. Teleport / TV uplinking, SNG/DSNG and VSAT. This will not only facilitate ease and efficiency in application/processing, but will also help environment protection by saving numerous pages of hardcopies. All details may be made available

on the websites of ISRO/Antrix and WPC. All applications to move electronically as transactions and all approvals accorded online with intimation to applicants.

(viii) There may be no deposits from the users towards booking/allocation of the satellite capacity. However, for due compliance by users and protection of ISRO's interests, there may be provision for BANK GUARANTEES, say monthly deposits, in line with the industry and international best practices.

(ix) There should be an open sky policy for all the satellite requirements in India.

(x) Forex Remittance authorizations could be made available for the entire period of the contract between the approved Satellite Service Provider and the Broadcasters. The contract between the Broadcaster and the Satellite Provider is anyways submitted to the MIB as part of the original application from the Broadcaster. However, the Broadcasters could continue to file the details of the foreign remittances made for transponder charges on a yearly basis. RBI has already given general permission for payments to foreign satellites for Uplinking services subject to MIB approval. This requirement of MIB approval may be done away with since such payments are current account payments made in the normal course of business through Authorised Dealers.

13.3. **Other Issues:**

i. The satellites have a definite life after expiry of which the satellite operator provides a fall back/replacement satellite on the same location or co-located orbital position.
   It is therefore recommended that the fall back/replacement satellite on the same/co-located orbital position to have an automatic approval from all regulatory authorities to provide a smooth and uninterrupted services to broadcasters.
   Once a satellite has been given NoC by ISRO, any additional channel on the same satellite may not again require any NoC from ISRO and be approved at MIB itself without again being referred to ISRO.

ii. If a satellite is replaced by ISRO due to end of life or other reasons, the Teleport approvals on the satellite to automatically get transferred to the new satellite, without users having to make a fresh teleport application to the new satellite.

iii. If a broadcaster(s) shifts their set of channel(s) from one approved teleport in one city to another approved teleport in another city of already on-air channel(s) MIB may not refer the application to DOS – provided there is no change in satellite/transponder; bandwidth/frequency allocation and no other amendments in the uplinking and downlinking permissions. The issue primarily pertains to SACFA clearance from WPC only.

Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.

BIF Comments: Please refer to our response to Q13 above

Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

a. **Simple, online and well-defined processes**
b. **Simple application format with a need to review of archaic fields, information, and online submission of documents if any**
c. **Precise and well-documented timelines along with the possibility of deemed approval**
d. **Well-defined and time bound query system in place**
e. **Seamless integration and approvals across various ministries/ departments with the end-to-end online system**
f. **Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration**

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

BIF Comments:

15.1. TRAI to mandate all the licensed distribution platforms operators to only use BIS certified equipment to ensure Quality of Service (QoS) standards for the end consumers, protection of content and stoppage of revenue leakages to all the stakeholders which include the exchequer.

15.2. Over the last few months, the applicant does not get intimated on the queries being raised. The applicant is required to manually visit the portal every day to check new queries or the status of the responses provided. It is recommended that if there is any query raised by BIS, the applicant and Manufacturer, both be intimated through E-mail and/or SMS.

15.3. Similarly, till the schemes are rationalised, it is recommended that BIS adopts the helpdesk model under TEC where the Applicant and Manufacturer can reach out for any clarification related to product, application or for any query raised by BIS on any application, and obtain a clarification in a time-bound manner.

Q16. What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?

BIF Comments:

16.1. Stable and 24x7 regulated power supply availability in an affordable manner and preferably through 'green sources' is extremely essential for providing a sustainable

energy solution for telecoms. While this may be easier said than done in the urban areas and metros, it's a huge challenge across the country.

16.2. Ministry of Communications, along with Ministry of Energy and Ministry of Renewable Energy, may enable availability of sustainable energy across the country for all telecom installations in an affordable manner.

16.3. While there are no specific challenges with the procedure of the audit processes, repeat queries tend to delay processes longer than expected. While carrying out audits, it is recommended that LSAs indicate all relevant queries in one go, to minimise the time and effort by applicants. Further, all their observations and any follow up be preferably restricted in the areas of the initial observations.

Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.

BIF Comments: No Comments

Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.

BIF Comments: No Comments

Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.

BIF Comments:
We are of the opinion that DoT has already simplified the process of CAF and has also re-introduced e-CAF due to the ongoing pandemic. All these measures are already user friendly.

Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.

BIF Comments: As there is no clarity on the number of last mile cable operators in the country, the registration process of LCOs to be made online and on the dedicated portal of MIB with due verification process. This will help understand how many LCOs are in the country and their obligations to the licensing ministries and to the stakeholders, which include broadcasters, consumers and the government.

Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do

you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.

<u>**BIF Comments:**</u>

21.1. The broadcasters are required to upload requisite information in respect of interconnection agreements pursuant to the Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements and all such other matters Regulations, 2019.

21.2. The BIPS portal is an evolving portal even after a period of 2 years, since it was launched in January 2020. Broadcasters face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of editable option, etc. while uploading the information sought by TRAI. These issues/concerns have been brought to TRAI's notice on multiple occasions by the broadcasters by way of letters. Notwithstanding, there are certain concerns that remain unaddressed. It also submitted that earlier the requisite information was filed once a year by July 31. However, at present, the same is required to be filed upon execution of the interconnection agreement(s) with the DPOs on ongoing basis (at times it results in uploading the same on a daily basis). This makes the entire process cumbersome and is not in the spirit of ease of doing business. It is suggested that the requisite information be required to be filed on a quarterly/half-yearly basis with ability to upload bulk data on Microsoft excel format. Additionally, it is suggested that the BIPS portal have the ability to extract data from the Microsoft excel file and be uploaded under relevant heads on the BIPS portal. We would also like to draw your kind attention to the fact that despite the information being available/updated on a regular basis, the same information is sought by TRAI from broadcasters from time to time. This results in duplication of submissions, making the entire process burdensome. It is submitted that the information uploaded by broadcaster on the BIPS portal be considered by TRAI.

Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.

<u>**BIF Comments:**</u>

It is suggested that the BIPS portal be equipped with Artificial Intelligence tools that will help in faster resolution of issues faced by broadcasters while uploading requisite information. There are software(s) that enable/assist in editing/incorporating correct date/numbers/spellings in case of typographical errors. Such tools also enable options to be provided to the user, making the entire process faster and facilitating the user to upload requisite information with least errors.

Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.

BIF Comments: No comments.

Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/ MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.

BIF Comments: No comments.

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