CONSUMER PROTECTION ASSOCIATION
HIMMATNAGAR
DIST. : SABARKANTHA
GUJARAT

Comments
On
Ease of Doing Business in Telecom and Broadcasting Sector

Introduction :

The new age telecom and Broadcasting companies are digital innovators and need all the support and a benign investment environment in which healthy margins support large scale CAPEX investments. Hence there is an urgent need to refocus on ease of doing business and improve the financial health for the sector. The public sector is essential but at the same time the role of the private sector is also vital. Take any sector- Telecom, Pharma- we see the role of the private sector. If India is able to serve humanity, it is also due to the role of the private sector.

India has the second largest telecommunications subscriber base in the world with 1.14 billion subscribers and the sector has seen a substantial FDI flow of USD 4.6 billion in FY 20. The sector is also witnessing a lot of interest from global technology companies and global funds, the recent 22.38% stake sale by Jio platforms for USD 14.75 billion being a case in point. Government and TRAI needs to re-focus on ease of doing business for the sector to attract greater FDI.

Policy alignment between the centre and states is a critical parameter in the Ease of doing Business. As a priority, there needs to be relook at the fundamental policies for the telecom sector. The regulatory regime should reflect the current dynamics of the sector. Many of the existing structures and policies should be simplified with the clear timelines.

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.

Comments : Yes.

1.1 Licensing objectives :

Licensing have several different objectives. Common Licensing objectives are :

(i) Regulating provision of an Essential Public Service.

(ii) Expansion of Networks and Services and Other Universal Service objectives.

(iii) Privatization or Commercialization.

(iv) Regulating Market Structure

(v) Establishing a Competitive Framework

(vi) Allocation of Scarce Resources

(vii) Generating Government Revenue

(viii) Consumer Protection

(ix) Regulatory Certainty

1.2 Licenses and other Regulatory Instruments :

In most countries, Licenses comprise only one element of the regulatory framework. Other rules that govern operators are included in telecommunications laws, sector policies, regulations, decrees, orders, decisions, guidelines, directions and other documents of general applications.

Whether an operator's rights and obligations are set out in a license or by some other means in generally determined by two factors :

- Requirements of local laws and
- The level of development of the local regulatory framework.

Matters that are dealt with in licenses in some countries are dealt with in other regulatory instruments in different countries. For example, in Mexico, the quality of service standards and targets of Telmex were included in the license (Concession) prepared for Telmex prior to its privatization. In Canada, quality of service standards and targets are set out in decisions and orders of the regulator.

With increasing competition in telecommunications market, it can be possible to reduce the detail of the regulatory framework included either in licenses or in other regulatory documents.

There can be two key goals in preparing licenses :

- **Regulatory certainty :** The rights and obligations of the operators should be clearly defined in licenses. Regulatory certainty on key issues such as, interconnection, price regulation and competitive safeguards will promote success of privatization and initiative to promote new market entry. Uncertainty will reduce investor interest.
- **Defining Exclusivity Rights :** Whatever policy is adopted on exclusivity, it should be clearly reflected in the licenses of new operators in order to provide certainty to them, their investors and lenders.

1.3 Multilateral Trade Rules :

The General Agreement on Trade in Services (GATS) and the 1997 WTO Agreement on Basic Telecommunications (ABT) of the WTO include trade rules applicable to telecommunications regulation and licensing. Signatories to the ABT as well as countries wishing to join the WTO, must bring their regulatory and licensing practices into compliance with WTO trade rules. The central themes of all of these rules are evolution towards open competitive markets and transparent licensing process.

1.4 The Objectives of Licensing Directives :

- ❖ Eliminates all barriers to entry except for objective, transparent, non-discriminatory and proportionate restrictions relating to the availability of scarce resources, such as numbers, spectrum and right of way.
- ❖ Simplifies and harmonizes licensing processes.
- ❖ Establishes license conditions that are transparent and constitute " the lightest possible regulation, Compatible with the fulfillment of applicable requirements."
- ❖ No information should be required as a prior condition for market entry.

1.5 Types of Licensing Regimes :

In general there should be three approaches to authorizing telecommunications operators and services :

1. Individual Operator licenses
2. General Authorization and
3. No licensing requirements (i.e. open entry)

These 3 categories are reflected in the regulatory framework of a number of countries.

1.6 Following should be merged in the ease of doing Business :

India currently has a provision to issue a unified license ("**UL**") to service providers. The UL regime was introduced to reduce compliance burdens on service providers that are rendering services across multiple licensed areas and to ensure ease of access in obtaining licenses to provide telecom services. This system allows for a service provider to obtain several permissions of the central government under one broad UL. Authorization under the UL comprises for any one or more of the following services:

(a) access service;

(b) internet service (within certain categories);

(c) national long distance service;

(d) international long-distance service;

(e) global mobile personal communication by satellite service;

(f) public mobile radio trunking service;

(g) very small aperture terminal closed user group service;

(h) INSAT MSS-Reporting ("**MSS-R**") service; and

(i) resale of international private leased circuit service.

Audio-conferencing services require separate licensing by the DoT and are currently not covered under a UL.

. **Additional requirements that may be prescribed under local laws for the relevant sector must also be complied with.**

1.7 (a) The telecom sector is largely regulated by the following bodies/organizations:

(i) DoT;

(ii) TRAI;

(iii) Wireless Planning and Coordination Wing of the DoT ("**WPC**");

(iv) Telecom Disputes Settlement and Appellate Tribunal ("**TDSAT**"); and

(v) certain self-regulatory industry bodies and associations such as the Cellular Operators Association of India and the Infrastructure Providers Association.

(b) The major regulatory agencies for the audio-visual media distribution sector in India are as follows:

(i) TRAI;

(ii) MIB;

(iii) WPC;

(iv) Central Board of Film Certification ("**CBFC**"); and

(v) Certain self-regulatory industry bodies such as the Advertising Standards Council of India ("**ASCI**"), News Broadcasters Association ("**NBA**") and the Indian Broadcasting Foundation ("**IBF**").

1.8 Following may come under integration :

List the most important legislation which applies to the:

(a) telecoms, including internet; and

(b) Broadcasting media distribution sectors :

(a) Telecommunications and the internet in India are governed broadly by the following pieces of legislation:

(i) Indian Telegraph Act, 1885 ("**Telegraph Act**") and the rules framed there under;

(ii) Wireless Telegraphy Act, 1933 ("**Wireless Act**") and the rules framed there under;

(iii) Telecom Regulatory Authority of India Act, 1997 ("**TRAI Act**"), and regulations, orders and directions issued by TRAI; and

(iv) circulars and directions issued by the Department of Telecommunications ("**DoT**").

(b) The audio-visual distribution/broadcasting sector in India is governed broadly by the following pieces of legislation:

(i) Cable Television Networks (Regulation) Act, 1995 ("**Cable TV Act**") and the rules framed there under;

(ii) Cinematograph Act, 1952 and the rules framed there under; and

(iii) Circulars, directions and guidelines issued by the Ministry of Information and Broadcasting ("**MIB**") and TRAI.

(c) Aside from these specific pieces of legislation, the Information Technology Act, 2000 ("**IT Act**") and the Indian Penal Code, 1860 ("**IPC**") contain various general provisions that may be extended to this sector.

1.9 The key factors should be:

1.9.1 Simplified applications with well-defined processes: The format of the application while applying for a grant of any license/ registration should be simple with optimum requirements of information. Further, the entire process of issuance of a license / permission should be well-defined and well-published in the policy guidelines and / or citizen charter or any manual as deemed fit and should be available on the website of the Ministry / Department.

1.9.2 Timelines for queries, approvals, and deemed approvals: Timelines should be prescribed and followed in letter and spirit, and provision of deemed approval should exist wherever feasible. Timelines for raising the query and their reply should also be well defined. All queries should be raised in one go only.

1.9.3 Inter-ministerial/ departments and intra department movement of files: The inter-ministerial and inter-departmental movement and approval should be online and well-integrated. Opinion/ approval of the other departments/ ministries should be taken only where there is a requirement and should be done in a time-bound manner with the provision of deemed approval by the Authority.

1.9.4 Minimal Physical Interface: Physical interface should be done away with to the extent possible, and it should only be used as a last resort where there is a specific requirement such as handing over devices to testing labs, etc.

1.9.5 Transparent with end-to-end online tracking system: The system should be transparent end-to-end, and the applicant should be able to know the status of his application at all times.

1.9.6 Use of digital technologies: Use of technologies like DigiLocker, agreements, and contracts incorporated with digital signatures/ electronic signatures, etc.

to maximize the use of technology and technological instruments as far as possible.

1.10 It should provides single-point, integrated and holistic online development permissions to applicants in specified timelines for Ease of Doing Business (EODB).

1.11 The majority of license applications should be made by completing the relevant application form available from the website of TRAI/DoT or on request and sending the form to the MIB.

1.12 Where online applications are made an instant confirmation of receipt of the application should be sent to be applicant.

1.13 The process should involve online filing of applications, online payment of fees, processing of applications without any manual interface.

1.14 The Paperless Licensing System should have flexibility to the applicants to upload documents online for prior approval, grant of license, prior approval for amendment, amendment of license and renewal of license, among others.

1.15 Besides allowing the applicants to download and print digitally signed copies of approval or license, the online system should also intimate them at each stage of processing of the application.

1.16 Small and medium enterprises should be the target of the this procedure. This group are generally unhappy with the costs and complexities of the licensing process.

1.17 The new system should facilitate quick clearances and permits should be available within a stipulated time period of the application.

1.18 Minimum documents should be needed for getting the license.

The licensee should be responsible for checking that the license information is correct and any information provided is accurate and up to date.

1.19 The licensee is responsible to ensure that their equipment is operating in accordance with their license.

1.20 Paying for Licenses :

All payments to should be quote a valid invoice reference number to avoid misallocation of funds and any delay in locating the invoice for which the payment is intended.

Where appropriate preferred method of payment should be by direct debit. However the following methods of payment can also acceptable:

- Credit/ Debit Card
- Bankers Draft or
- online payment

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

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.

Comments : Yes.

There should be two broad categories of licenses :

1. The First category of license should be **Infrastructure Provider for the Telecom Industry** License. Such a license should be required by an operator to own and provide infrastructure, systems, networks, facilities and other equipments (except for customer premises equipment (CPE) " (collectively known as " Infrastructure) for the purpose of enabling telecommunication services to be provided. There should be two main variants of this license :

   One variant should be for licenses that are allocated frequency spectrum to be used in conjunction with the infrastructure operated, and the other variant should be for licenses that have not been granted any frequency spectrum.

Users of frequency spectrum for purposes other than telecommunication (e.g. broadcasting) must also obtain a specialized License from TRAI. This is to ensure that there should not be interference and safety issues can addressed in relation to the use of the frequency spectrum.

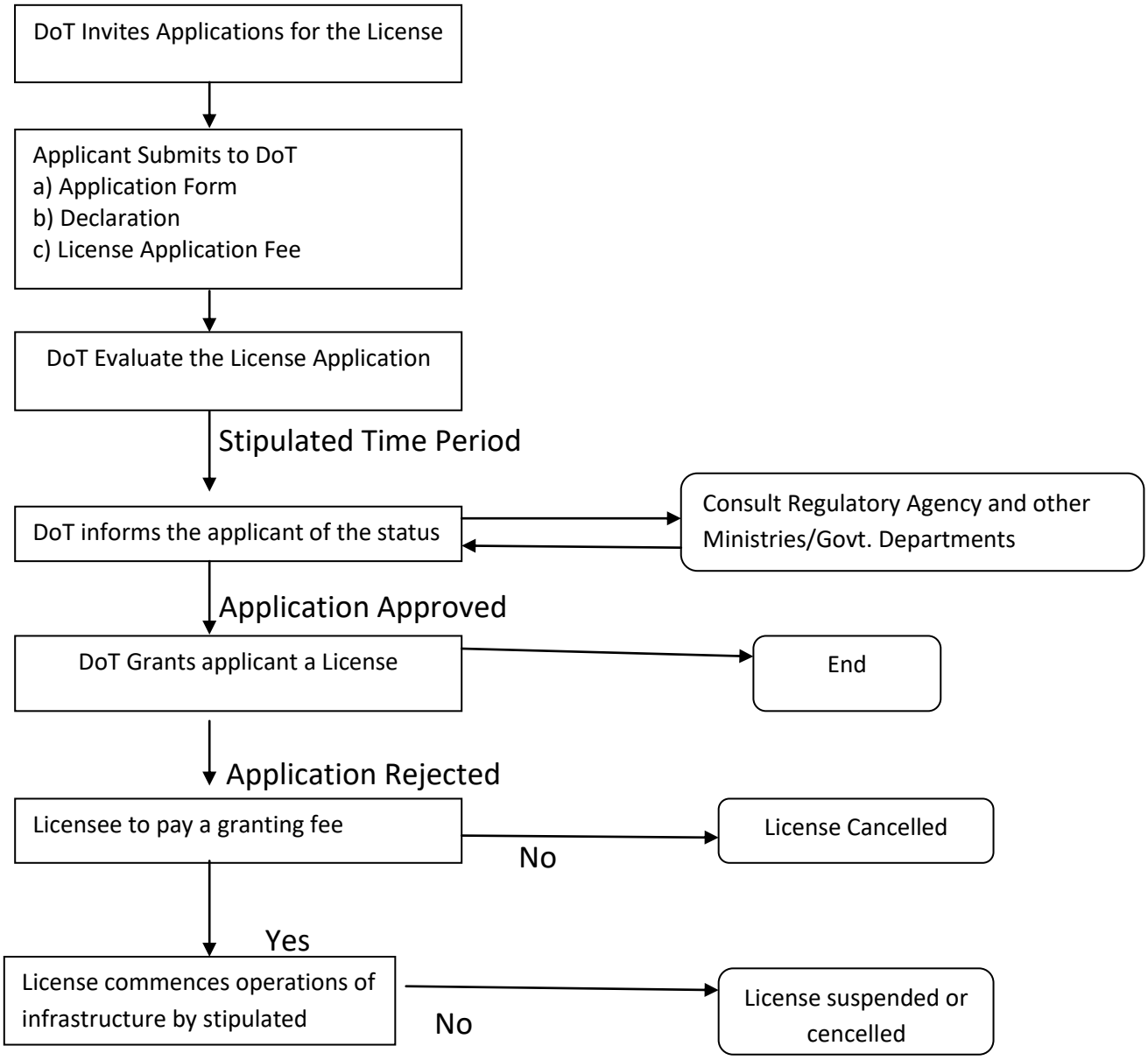
2. The second category of license should be the **Service Providers for the Telecommunication Industry** License. Such license should be required by the operator to sell services to consumers or corporate customers. Such license should not own infrastructure outside of its own premises, but uses the infrastructure provided by DoT licenses. However, a SeTi may provide CPE to its customers, or may own infrastructure within its premises to offer services to customers within its premises.

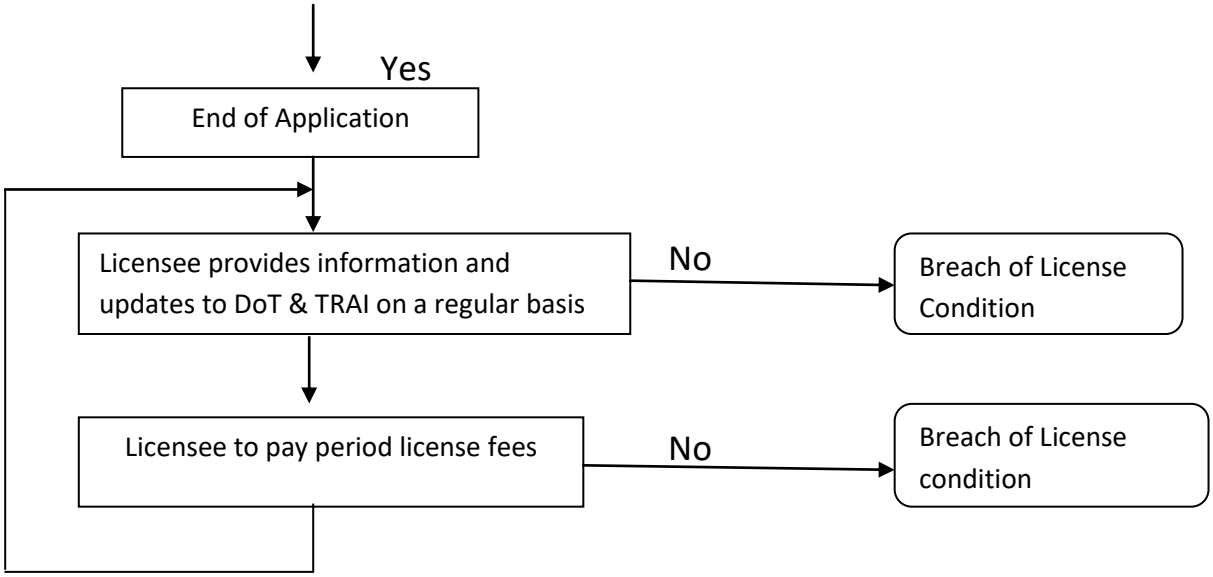
DoT should evaluate each License application based on its merits, taking into consideration the following:

- Vision of the applicant;
- Organizational structure and financial capability and strength of the applicant;
- Competition strategies of the applicant for the provision of services;
- Technical soundness of the applicant's plans;
- Technical capability of the applicant to implement the plans;
- Commitments of the applicant in fulfilling its vision and plans;
- Benefits to the consumer and industry brought by the applicant;
- Enhancement to the telecommunication infrastructure, capability, capacity and connectivity;
- Level of technological and service innovation and responsiveness of the applicant;

- Competitive pricing;
- Quality of service;
- Level of customer support;
- Any resource limitation and physical constraints; and
- Any other information provided by the applicant.

License Application Flow :





A successful License applicant (i.e. the licensee) can be issued with a license. The license prescribes the regulatory framework through which TRAI can regulate the licensee, in addition to the provisions under the prevailing legislation. In addition, the licensee will have to comply with any codes of practice, directions or advisory guidelines that TRAI may issue from time to time.

Activity	**License Required For Telecommunication Service Provider**	**License Required Infrastructure Provider for Telecom Industry**
Public Cellular Mobile Telephone Services	Mobile, Telecommunication, Infrastructure	Public Mobile Telecommunication Services
Public Internet Access Services	Not required	Public Internet Access Service
Public Switched Telephone Services	Fixed-Wired Telecommunication Infrastructure	Public Fixed Telecommunication Service
Public Payphone Services	Not required	Public Payphone Service
Public Fixed-Wireless Broadband Multimedia	Fixed-Wireless Telecommunication	Public Fixed Telecommunication

Services	Infrastructure	Service
Wireless Local Loop Services	Mobile Telecommunication Infrastructure	Public Mobile Telecommunication Services
Leased Circuit Services	Not required	Private Network Service
Mobile Virtual Network Operation	Not required	Resale of Telecommunication Service
Internet Exchange Services	Not required	Bandwidth Exchange Service
Prepaid Card for Telecommunication / InternetServices	Not required	Prepaid Telecommunication Service
Resale of PSTN Services	Not required	Resale of Telecommunication Service

Application Format For a Service provider of the Telecommunication Industry License :

APPLICANT ORGANISATIONAL STRUCTURE	
Organization Name	
Address	
Telephone	
Fax	
Email	
Name of Contact Person	

Nature of Organization	Describe the nature (private or public entity, and if listed, details of public listing), its corporate shareholding structure, composition of the board of directors and the management team. The ultimate ownership, whether direct or indirect, is to be indicated.
Related Companies	Describe related companies such as subsidiary, sibling, parents, associated companies, joint ventures, etc.
Foreign Parties	Where the shareholders are foreign parties, provide details of the corporate structure of the shareholders, together with details on voting rights and control possessed by the foreign parties.

FINANCIAL CAPABILITY AND STRENGTH	
Capital (Authorized, issued and paid up)	
Accounts	To attach audited accounts (including profit and loss accounts, balance sheets, cash flow statements and auditor's reports) for the past three years.
Projections	To attach budgeted projections (including profit and loss accounts, balance sheets and cash flow statements) for the next three years
Source of Funding	To attach documentary evidence on source of funding
TECHNICAL PLANS	
Services Applied For	❑ Public Mobile Telecommunication Service ❑ Public Non-Fixed Telecommunication Service ❑ Public Fixed Telecommunication Service ❑ Resale of Telecommunication Service ❑ Public Internet Access Service ❑ Bandwidth Exchange Service ❑ Private Network Service ❑ Public Payphone Service ❑ Prepaid Telecommunication Service ❑ Value Added Service
Description of Operations and Services	

Description of Mechanism for Subscriber to access services	
System configuration information	To include information on connection with other InTi and SeTi licensees
Partners in providing Services	

TECHNICAL CAPABILITY	
Capability description	Describe the capability of the applicant's technical team, including their expertise and past experience, and track record
QUALITY OF SERVICE	
State Quality of Service to be delivered	
CUSTOMER SUPPORT	
Customer Support Provided	Describe the customer support that applicant will be providing in relation to its services
RESOURCE LIMITATION AND PHYSICAL CONSTRAINTS	
Constraints Faced	State any resource limitation or physical constraints that applicant may face in deploying its services

OTHER INFORMATION	
Any other relevant information	State any other relevant information that should be taken into consideration in relation to the license application
Information for Broadcasting Regulator	Where an applicant is applying to provide the Public Internet Access Service or Value-Added Service, the application submitted must contain such other supporting information required by the Broadcasting Unit of the Prime Minister Office to consider the license application.

DECLARATION

We declare that the information submitted in this application is true, accurate and complete.

_____ _____

Name of Authorised Representative of Applicant Signature & Date

INFRASTRUCTURE PROVIDER FOR THE TELECOMMUNICATION INDUSTRY :

Any person who deploys any form of telecommunication infrastructure inside and outside of his own premises to enable telecommunication services to be offered to third parties. Such third parties can include other the service provider for the Telecommunication Industry or Infrastructure provider for the Telecommunication Industry Licensees, consumers and corporate customers. Such a person should need to obtain an Infrastructure License from DoT.

Telecommunication infrastructure includes any telecommunication system, network, facilities and equipment (other than CPE) for the carriage of telecommunication and broadcast traffic. Such traffic can be domestic or international in nature, and coverage may also be nationwide or localized to a region. The types of infrastructure provided can include fixed communication systems such as switches, optical fibers, cable ducts, submarine cables, frontier stations, international cables and satellite gateways that offer voice, data and leased circuit services. The infrastructure may also include mobile communications systems such as base stations and mobile switching centers that offer public mobile phone, paging, trunked radio or other mobile data services.

An Infrastructure Provider for the Telecommunication Licensee may be granted a license to provide one or more the following infrastructure:

- Mobile Telecommunication Infrastructure
- Non-Fixed Telecommunication Infrastructure
- Fixed-Wired Telecommunication Infrastructure

- Fixed-Wireless Telecommunication Infrastructure
- Public Broadcasting Infrastructure and
- Special Purpose Infrastructure

An Infrastructure provider Licensee that intends to deploy wireless technologies that utilizes frequency spectrum can be granted a spectrum right to use certain allocated frequency spectrum together with the Infrastructure Provider License. The duration of the spectrum right should be the same as that as the Infrastructure Provider License. The use of the allocated frequency spectrum should be subject to the following restrictions:

- Range of frequency bands;
- Geographical coverage of spectrum right;
- Purpose of using spectrum right; and
- Trading and sharing of spectrum.

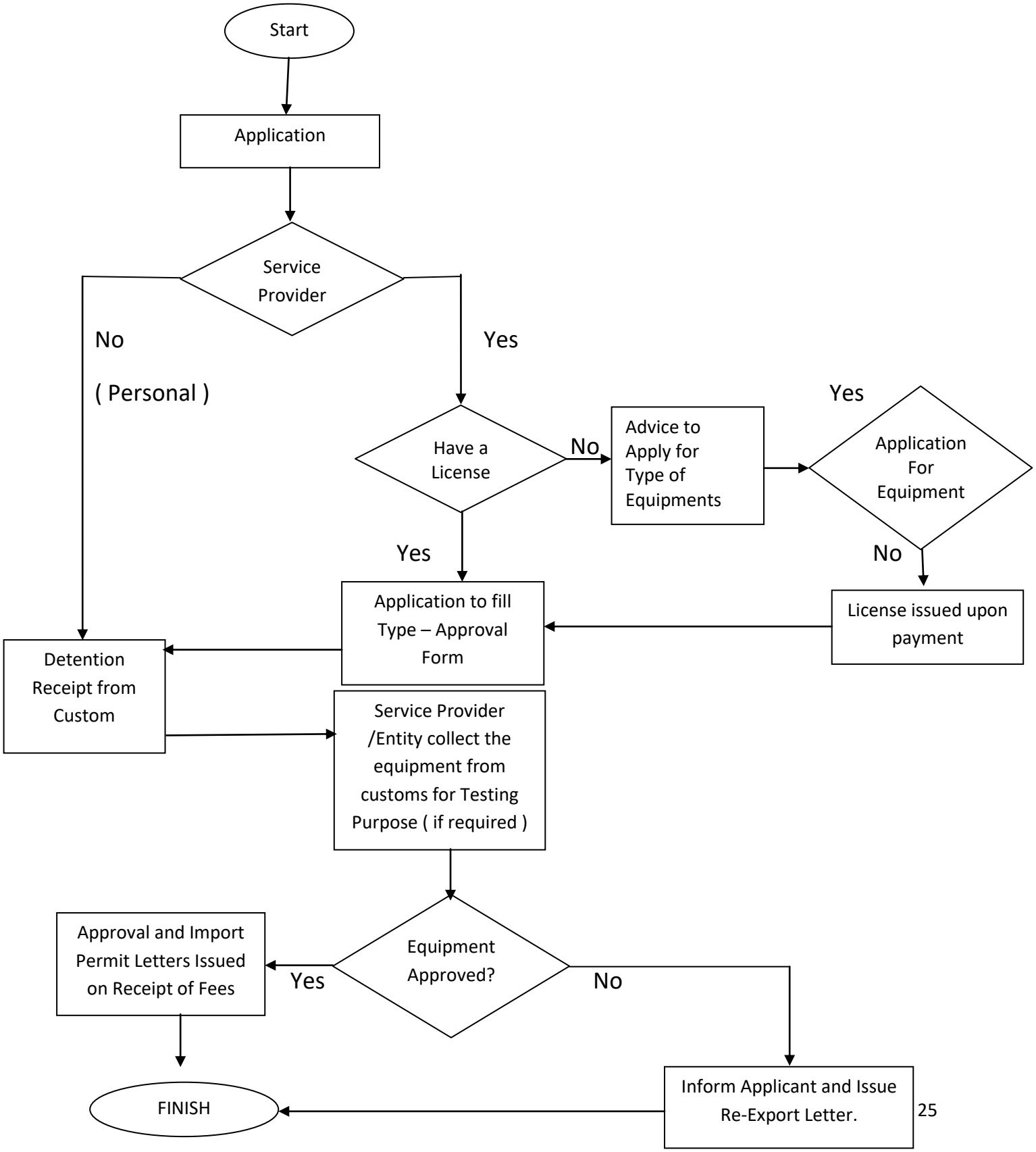
An Infrastructure Provider Licensee should be free to select the most appropriate technology for the infrastructure (as permitted under the Infrastructure Provider License granted) that it wishes to deploy based on its own commercial considerations. However, such choices, including the use of any allocated frequency spectrum, may be subject to conditions or constraints that may be imposed by DoT and TRAI to address resource constraints, competitive behaviour or any other public interest concerns.

An application for an Infrastructure Provider License should be made in accordance with the outline as set out below, with all the required information provided. The absence of any requested information may invalidate the application. DoT or TRAI may seek the necessary clarifications or additional

information from the applicant regarding the information provided in the application. An applicant should be bound by the contents of its application submission, and must make every effort to ensure the accuracy of the information submitted. A declaration regarding the truth, accuracy and completeness of the information submitted must be made at the end of each application.

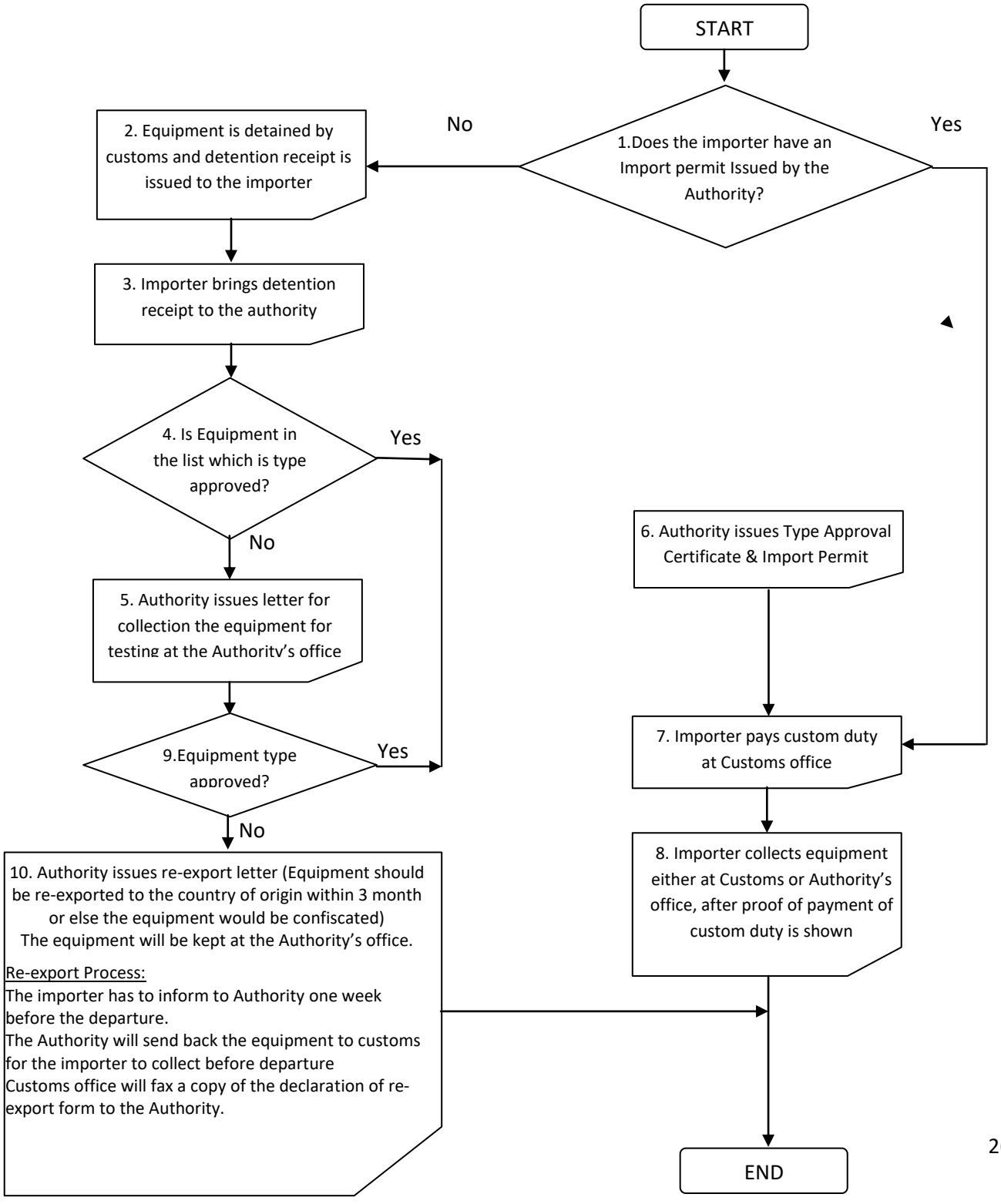
For an applicant seeking equipment type approval, following procedure can be adopted :

Personal / Service Provider Type-Approval Procedure :



For applicants importing equipment in India, the import procedures illustrated in following chart can also be followed.

Import Approval Procedure



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.

Comments : No Comment.

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?

Comments :

The enormous changes underway in the telecommunication and broadcasting industry present complex challenges to maintaining high quality. For telecommunications, the most important dimensions of quality are availability, reliability, security, flexibility or choice, simplicity and assurance. All of these are affected by innovations in technology, the development of a competitive market structure, and interconnection of the competitors in a network of networks.

Companies compete on the basis of quality as well as price, and customers are better served by effective competition than by unchecked monopoly. Companies with monopoly power are likely not only to provide less variety in the services they offer but to distort levels of quality and discriminate against low-end customers. Given the opportunity, the telecommunications firm that retains market power will tend to reduce quality for users of basic services in order to encourage the purchase of better service by those able to afford it.

TRAI needs to understand the process of setting technical standards and consider participating because the process is a political one with important impacts on society.

TRAI should :

(1) carefully distinguish between competitive and noncompetitive markets and services and tailor their oversight of quality of service to market conditions;

(2) explore participation in the industry standard-setting process;

(3) where markets and services remain monopolies, strengthen protective regulation, particularly enforcement of quality of service standards;

(4) where markets and services remain monopolies, examine a minimum subscribership form of regulation, and

(5) develop new means of informing the public about the degree and type of telecommunications quality available.

Emerging Issues :

The technological and financial revolution proceeding apace in the telecommunications industry is bound to have an impact on how service quality is defined and the form and impact of quality deficiencies. Table 2-4 broadly identifies many of the new issues that may face companies, their customers and state regulators. First and ultimately most influential, since they underlie all other changes, are those brought about by innovations in technology. The process of moving from what has been primarily a monopolistic market structure to one based on competition will change the shape of quality and its uses by telecommunications providers attempting to gain a competitive advantage. And interconnection issues, in a broad sense, will also affect and be affected by quality concerns.

TABLE 2-4
EMERGING ISSUES IN TELECOMMUNICATIONS SERVICE QUALITY

Criterion	Technological Issues	Market Structure Issues		Interconnection Issues
		Monopoly	Competition	
Availability	Differential access to new technologies	Delays in installation and repairs, universal service threats	Inclusiveness of directory listings; problems of wireless access to 911	Nondiscriminatory mutual access to networks and customers, data bases, pools of numbers, and rights of way
Reliability	Potential for reliability; difficulty of repairing fiber	Reduced reliability of provisioning, repair, and complaint handling	Data base reliability	Interoperability; weakest link problem
Security	New services, capabilities for locating and identifying customers	Confidentiality of customer information	Lack of new provider knowledge, commitment to privacy needs	Sharing of customer information
Flexibility/Choice	Rapidly expanding options and combination of options	Aggressive marketing of options; misleading packaging of options	Problems of number portability, rapidly expanding choice of providers	Open network architecture issues
Simplicity	Understanding how a system works and fails	Incorrect responses to consumer demand for simplicity/complexity	Number of digits dialed, understanding choices of providers, understanding responsibilities of providers	Difficulty of creating seamless interfaces for multiple providers and services
Assurance	Track record of new providers	Consolidated service centers; recorded messages to handle complaints	Misleading quality claims, advantages to incumbent; unauthorized changes in providers ("slamming")	Concern whether all combinations of providers can successfully complete calls

Source: Author's construct.

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Changes in Technology :

The revolution in telecommunications is a welcome explosion in choice and flexibility. By definition, quality will be improved, although not necessarily across all quality dimensions.

Dedicated digital circuits should be available to large and small business customers to connect branch office, often bypassing the local carrier. Companies can used these leases circuits to establish private network for both voice and data.

Newer Technologies are making it possible for the network to be more reliable, but not across the board.

Need to enhance manpower capability :

Skilled manpower is one of the driver in the overall quality of services and growth of the telecommunication and Broadcasting sector. The existing manpower in the sector may not be adequate both in the number as well as skill to cater to the upcoming demand. Government initiatives such as " Skill India " have been implemented for the ease of providing sufficient and appropriate manpower to the telecom sector, among other sectors. The Telecom Sector Skill Council (TSSC) has also been set up to cater to the demand and skill needs of the telecom sector. However more targeted and specialized skill development programs that would enhance existing man power capabilities and availability to ensure uninterrupted development of the sector as a whole is needed.

There upgradation of knowledge should also be conducted.

Following steps can be taken to improve Quality of Service :

1. General :

1. Accurately distinguish between competitive and noncompetitive services and companies
2. Consider full range of service quality dimensions in designing policies, standards and programs.
3. Regional and national cooperative efforts to assure service quality.

2. Monopoly Services :

1. Examine a minimum subscribership plan

- Standards :
  - ✓ Consider new standards
  - ✓ Define standards clearly
  - ✓ Do not accept industry standards without careful review
  - ✓ Make sure standards are measurable
  - ✓ Base standards on open, collaborative rule making process
  - ✓ Consider using weighted indices of quality of service
  - ✓ Base standards on expectation of improved quality for basic service
  - ✓ Specify performance rather than design standards
- Monitoring :
  - ✓ Require regular company reports
  - ✓ Require and appropriate level of detail
  - ✓ Use format agreed on by industry and regulator
  - ✓ Conduct service quality audits
  - ✓ Use field investigations
  - ✓ Develop and analyze intrastate data
- Customer Complaints :
  - ✓ Categorize by company and rule
  - ✓ Keep electronic records of all complaints
- Customer satisfaction :
  - ✓ Develop better measures
  - ✓ Find out how regulated companies are already measuring
- Enforcement :
  - ✓ Use ability to access fines and order rebates

- ✓ Tie service quality into price cap formula of price regulation agreements
- ✓ Make penalties automatic
- ✓ Target penalties to compensate affected customers

- Resources :
  - ✓ Develop staff skills in public policy implementation and customer service
  - ✓ Consider combining customer service and technical staff functions
  - ✓ Develop staff skills in handling interconnection quality of service issues.

3. Monopoly and Competitive Services :

- Adopt Consumers' rights
- Adopt Consumer service standards to promote public values and in areas where a competitive market does not exist
- Use principle of adopting good standards listed for the monopoly services
- Do not apply standards of one industry to all industries
- Establish a data base of consumer education materials prepared materials, prepared by service providers and CAGs
- Publicize Industry results
- Report relative performance across industries
- Label quality :
  - ✓ TRAI can usefully develop new means of informing the public about the degree and type of telecommunications quality available.

- ✓ Information absence, inadequacy, or asymmetry is a bugaboo of regulation and of the elusive ideal of perfect competition.
- ✓ The success of competition in meeting consumer demand for quality may well depend on making sure that customers know what they are buying and how it compares to other consumer benefit packages that are available.
- ✓ To the extent that good information helps consumers to avoid rejecting new entrants solely because they are unknowns, programs providing consumer information serve to promote competition.
- ✓ Simply publicizing comparative results for providers of telecommunications and broadcasting services on a number of important dimensions would assist consumers in making decisions.

4. Technical Industry Standards :

- ➢ Promote consumer input into the industry standard setting process

As we move towards an era of a network of networks in telecommunications, a new emphasis on protective regulation is needed to assure the customers of the quality they want.

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?

Comment : No Comment.

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.

Comment : No Comment.

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

Comments :

The definition of Adverse Health effect should be " a biological effect that has a detrimental effect on mental, physical/or general well being of exposed people either in the short term or long term.

Telecommunications is a key source of empowerment of citizens at large and an effective tool for socio-economic development of a nation. It has become the core infrastructure for the rapid growth and modernization of various sectors of the economy. To provide the best quality of telecommunication service to the customers, the expansion of mobile network including tower infrastructure are inevitable.

The EMF radiation is a RF/Electromagnetic energy emitted from mobile tower antenna and mobile handset are non-ionizing having very low energy. Based on scientific evidence, studies and reports available, it is found that there is no conclusive evidence of the stated danger of EMF radiation from mobile tower."

The EMF emissions from a mobile tower, which are below the safe limits prescribed by International Commission on Non-Ionizing Radiation Protection (ICNIRP) and recommended by World Health Organization (WHO), have no convincing scientific evidence of causing adverse health effects.

All telecom service providers should ensure that radiation from mobile towers (BTSs) are within safe-limits prescribed by DoT and self-certification to this

effect should be submitted to respective DoT, field units on launch, whenever a change occurs and also on a biennial/triennial basis. All mobile towers should start functioning commercially only after the submission of self-certification.

Precautionary measures implemented with the intension of reassuring the public about EMF risk potentials seems to produce the opposite effect. They may amplify EMF related risk perceptions and trigger concerns. Cautionary policies should be adopted only under the condition that scientific assessment of risk and science based exposure limits should not be undermined by the adoption of arbitrary caution approaches. We tend to add that any precautionary policy should consider possible countervailing risks such as increasing fear and unnecessary spreading anxieties.

Awareness should be raised among the consumers on the need for mobile tower and disapprove theories surrounding the harmful radiation from mobile towers in order address unfounded fears of citizens by presenting credible scientific evidences. The seminar and workshops should be stressed on the importance for citizens to understand that mobile tower EMF radiations are being strictly monitored and evidence from credible sources have ruled out the possibility of any impending health issues emanating from EMF radiations.

For this purpose TRAI and DoT should take initiative and organize awareness seminars and workshops for the CAGs and empower them with knowledge.

Basic information to radio wave, various terminology, Do's and Don'ts related to mobile phone usage, clarification of various myths regarding

deployment, usage of radio wave/safety standards etc. should be explained to the people.

Advertisement for ensuring safety from radiation of mobile towers & handsets should be issued by the service providers in National and Regional news papers.

TRAI should :

(i) Prescribe surveillance requirements to measure and/or calculate and monitor the exposure of the public and workers.

(ii) Prescribe mitigating actions where sources are not in compliance with EMF exposure limits.

(iii) Require the measurement and monitoring of source of EMF.

(iv) Include any other measures necessary to ensure compliance with the exposure limits.

(v) TRAI should establish or nominate an appropriate body or agency for the purpose of administering the compliance frame work.

(vi) The workers who exposed to EMF at work and who are classified as trained workers, receive any necessary information and training relating to their exposure and are made aware of any mitigating measures needed to comply with EMF exposure units.

(vii) Record keeping and information :

Service provider should maintain record of exposure measurement.

- ❖ All measurements and/or evaluations to establish compliance with the Regulation should be made or authorized by the nominated Agency and reported to the TRAI.
- ❖ Following such measurements and/or evaluations and where EMF exposure levels are not subsequently increased, the results should be remain valid for a period set by the TRAI.
- ❖ Verification of compliance should be based on those conditions that lead to the highest EMF exposure (worst-case conditions) produced under normal operating conditions and employ appropriate recognized measurement and evaluation protocols.
- ❖ Where measurements are not made under worst-case conditions, EMF exposure for the worst-case conditions should be calculated or extrapolated on the basis of the measured values. Measurements and/or calculations should take account of exposures to multiple sources and multiple frequencies using the appropriate protocols.
- ❖ Further measurements and/or or evaluations may be required following any changes likely to significantly increase EMF exposure to the public or workers, such as following additions of equipment or installations generating EMF in an area.

Responsibilities :

The TRAI, on advice from the Agency, can establish a programme to monitor compliance with public and trained worker EMF Exposure Limits as appropriate.

The TRAI can publish details of this programme and the activities undertaken in support the programme each year.

Enforcement :

The TRAI should determine the appropriate measures to be undertaken in areas to which both the public and workers have access and which do not comply with this Regulation. Such measures may include:

- Extending the boundaries of areas where public Reference Levels may be exceeded, and restricting public access to those areas
- Requiring the use of appropriate signs, warnings and public notices
- Engineering or Administrative controls
- Other measures as advised by the Agency.

Record Keeping :

The Agency can maintain a record of EMF exposure measurements and estimates made by the Agency or on its behalf and by others approved to make such measurements and estimates under the Regulation.

The Agency should publish the information obtained in a form readily accessible to the public, taking into account any applicable privacy legislation.

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.

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.

Comments :

1. Uniform guidelines for enabling ease of installation of telecom tower in Government premises :

   Government should provide a level playing field for IP-1s for tower installation in Government premises across the state and municipal bodies. This will lead to substantial reduction in site acquisition lead time.

2. Revisit Mandatory testing of Telecom Equipments :

   DoT may consider acceptance of telecom equipment that has been extensively tested in well recognized domestic labs, instead of insisting upon certification in lab based in India prior to sale/import/use in the country, which could further delay and contrary to the principles of the ease of doing business objectives.

3. Streamline process of mandatory testing handsets :

   Government should allow approvals covering registration of brands and manufacturing facilities as a whole rather than at an individual handset level. Further, the Government may look at streamlining the process in order to reduce the average time taken for approval to 10 to 15 days.

4. Infrastructure benefits to the telecom tower sector :

   Communication infrastructure has been accorded with the infrastructure status, however benefits such as funds availability at the concessional rate,

higher external commercial borrowing limit, extension of viability gap funding etc. have not been allowed to telecom tower companies.

5. Classification of common Telecom/digital infrastructure :

Infrastructure sharing is critical for implementation of emerging technologies through implementation of IBS, DAS, etc.. Hence DoT may consider classification and defining common Telecom/Digital infrastructure such as antennas, Node B, Ran etc., which may be allowed to be owned and maintained by Telecom Tower companies under existing registration and shared among TSPs. This will bring in huge cost efficiencies just as sharing of tower infrastructure brought for the sector.

6. Classification with respect to active and passive infrastructure needs to be revisited to help promote effective sharing of infrastructure.

7. Formulation of uniform import duty structure for Lithium-ion batteries irrespective of its end use would help in keeping costs in check.

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.

Comments : No Comments.

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.

Comments : No Comments.

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.

Comments : No Comments.

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.

Comments : Mentioned above.

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.

Comment : No comments.

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.

Comments : No comments.

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.

Comments : No Comments.

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?

Comments :

16.1 Much like the telecommunication sector, the electric power sector, incorporates an extremely complex network of generation, transmission grid, and distribution assets. The transmission grids, possible the most

complex element includes miles of transmission lines, delivers electricity from lakhs of megawatts of generation crossing the boundaries of utilities and states and connect the system.

16.2 In accordance with state laws and public utility regulations, they should develop and maintain their priority of power supply for the telecommunication services.

16.3 The fear of terrorist attacks, black outs and the recent devastating hurricane seasons, the interdependencies between the telecommunication and electric power sectors have become increasing apparent. This interdependency may create additional vulnerability, particularly in emergency response situations.

16.4 In accordance with responsibilities and existing mechanisms established, Assignment of National Security and Emergency Preparedness Telecommunications Functions, The Authority should direct the appropriate departments and agencies to:

• Define and establish the term Emergency Responder within the National Response Plan and other appropriate plans, guidance, directives, and statutes, including other local, State and Central Government emergency plans.

• Ensure key response personnel of critical infrastructure owners and operators in the telecommunications and electric power sectors be designated as Emergency Responders.

• Include fuel supply, security, site access, and other required logistical support to critical telecommunications and electric power infrastructures as part of the

Emergency Responder planning process to ensure priority restoration to critical telecommunications and electric power.

• Foster and promote effective emergency coordination structures to ensure reliable and robust communication between the two sectors and local, regional, State, and Central Governments.

- Review examples of proven priority restoration models at the State and regional levels. Encourage States and metropolitan regions without effective models to improve and update their existing frameworks.

- Encourage effective information sharing models at the local/regional Emergency Responder level, both in advance of a natural disaster and during the emergency restoration period. When developing these models, liability issues should be considered.

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.

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.

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.

Comments : No Comments.

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.

Comments : No Comments.

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.

Comments :

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 84 compliance systems due to the technological advancements. Suggest such changes with due justifications.

Comments : No Comments.

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

Comments : Mentioned above.

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.

Comments : No

Thank You.

Yours Faithfully

(Dr. Kashyapnath)
President
Member Organization TRAI