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LIFE

RJIL/TRAI/2021-22/397  
December 20, 2021

To,  
**Shri Syed Tausif Abbas**  
**Advisor (NSL)**  
**Telecom Regulatory Authority of India**  
**Mahanagar Doorsanchar Bhawan**  
**Jawaharlal Nehru Marg, New Delhi 110002**

**Subject: Comments on Consultation Paper on 'Licensing Framework for Establishing Satellite Earth Station Gateway' dated 15<sup>th</sup> November 2021.**

Dear Sir,

Please find enclosed Reliance Jio Infocomm Ltd.'s (RJIL's) comments on Consultation Paper on 'Licensing Framework for Establishing Satellite Earth Station Gateway' dated 15th November 2021.

Thanking you,

For **Reliance Jio Infocomm Ltd.**

**Kapoor Singh Guliani**  
Authorised Signatory

Enclosure: as above.

**Reliance Jio Infocomm Limited, CIN: U72900GJ2007PLC105869**

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**Reliance Jio Infocomm Limited's comments on TRAI's consultation paper on  
"Licensing Framework for Establishing Satellite Earth Station Gateway"  
(Consultation Paper No. 6/2021 dated 15<sup>th</sup> November 2021)**

**Preface**

1. We thank the Authority for issuing this consultation paper to take stakeholders views on another vital aspect related to satellite-based communications services in the country.
2. We reiterate our submissions in our comments on the consultation paper on '*Licensing Framework for Satellite-based Connectivity for low bit rate Applications*', **that the efforts like licensing framework reforms should be carried out on holistic levels and not on piecemeal basis for one part of the service at one time.** We submit that the data centric terrestrial technologies 4G and 5G and LEO or MEO based satellite communication technologies are converging and competing with each other. **Therefore, it is imperative to set complete ground-rules for offering these services to Indian customers in a technological neutral environment. Otherwise, we may continue to face situations like recent reports<sup>1</sup> on DoT being compelled to stop one of the satellite constellations to acquire customers for its beta testing in the country without obtaining an appropriate license.**
3. We submit that issuance of policy guidelines for all aspects of satellite-based communication services in India and **the related permissions, licenses, Quality of Service (QoS) related requirements etc. will provide regulatory stability and predictability to present and prospective service providers** and will enable them to plan their networks in a holistic manner to provide better services to customers.
4. **Satellite Earth Station Gateway (SESG or Earth Station) is a vital element of satellite communication networks as it connects the service licensee's network with the satellite to receive and transmit messages in the form of voice, video, or data through single or multiple satellites over feeder link.** These ground based facilities are designed to provide real-time communication with satellites and in some cases also act and serve as command and control centers for the satellite network. The location of the Gateways is decided by the type of satellites to be connected, their orbital paths and coverage related requirements.
5. As noted by the Authority, under the Unified License framework, only the service licensees are permitted to install the Earth Stations. However, **this requirement may need to evolve along with the evolution of satellite-based communication services. We agree**

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<sup>1</sup> <https://economictimes.indiatimes.com/industry/telecom/telecom-news/elon-musks-starlink-barred-in-india-from-accepting-orders-for-its-broadband-services/articleshow/87940955.cms>

with the views of the Government that with the increased policy focus, as also mentioned in National Digital Communications Policy – 2018 (NDCP-2018), on leveraging Satellite-based connectivity to meet proliferation goals, it is important to delink the installation and operation of Satellite Earth Stations from license to provide service to retail subscribers. This step will not only help in optimizing the resources by cutting cost for service licensees but will also help in increasing competition by facilitating Indian Industry to become hub for the satellite-based communication services and associated activities.

6. Further, this measure will also enable the GEO, MEO, LEO satellite operators to establish and operate the Earth Station, as per their own specific requirements in order to offer their services to Indian service providers, including the terrestrial network operators.
7. It is not out of context to mention that establishing, working, and maintaining SESG requires establishing, working, and maintaining “Telegraph”, which is defined in section 3 of the Indian Telegraph Act 1885 as given below:

**“3. Definitions.**—*In this Act, unless there is something repugnant in the subject or context,—*

*(1AA) “telegraph” means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means;*

*Explanation.—“Radio waves” or “Hertzian waves” means electro-magnetic waves of frequencies lower than 3,000 giga-cycles per second propagated in space without artificial guide:”*

8. Further, section 4 of Indian Telegraph Act 1885 stipulates that:

**“4. Exclusive privilege in respect of telegraphs, and power to grant licenses—**  
*Within India, the Central Government shall have the exclusive privilege of establishing, maintaining and working telegraphs:*

*Provided that the Central Government may grant a license, on such conditions and in consideration of such payments as it thinks fit, to any person to establish, maintain or work a telegraph within any part of India:”*

9. Thus, the activity of establishing, working, and maintaining SESG which requires establishing, working, and maintaining “Telegraph” can only be undertaken post obtaining a licence under Section 4 of the Indian Telegraph Act 1885 for a consideration and as per prescribed terms and conditions. At present Unified Licence Regime with various authorization is in operation.
10. Since, at present Unified Licence Regime with various authorization is in operation, accordingly, **we submit that the only legally tenable procedure to introduce liberalization of Space Segment for benefit of the people is by introducing a new chapter in Unified License that enables establishing, working and maintaining Satellite Earth Station Gateways (SESG). All other UL authorizations with in-built provision to establish Satellite Earth Station should also be permitted to avail services of Satellite Earth Station Gateways and they may also be facilitated to optimize their resources by offering their own Earth Stations to other service providers.**
11. It will not be out of context to mention that **establishing, working and maintaining Satellite Earth Station Gateways (SESG) under a separate chapter in Unified Licence will not dilute vital national security requirements. The end-to-end manageability and security of the gateways by an Indian entity holding a Unified Licence authorization will also ensure complete compliance with the data privacy related requirements.**
12. **The financial and other licensing requirements for this authorization should not be onerous and may be in line with similar existing service authorizations like Global Mobile Personal Communication by Satellite (GMPCS) service.** This arrangement will also be as per best international practices of separate licenses for establishing Satellite Earth Station Gateway.
13. Further, we recommend the licensing framework for the SESG should be evolved with following guiding principles:
  - a. **National level service area with no restriction on number of Earth Stations**
  - b. **One Earth station should be permitted to connect with a single or multiple Satellite Constellations**
  - c. **The Licensee should offer its facility on mutually agreed commercial terms**
  - d. **The facility can be offered to multiple service licensees with separation of resources**
  - e. **The Baseband equipment should belong to the service licensee and not SESG Licensee**
  - f. **The Service Licensee shall be responsible of establishing, maintaining and working of suitable feeder links to SESG by arranging required resources including spectrum.**

14. We further submit that **each country is sovereign country and governed by its constitution. In our country, the orders of the Hon Supreme Court are final and binding on all as per Article 144 of the constitution. The Hon'ble Supreme Court in its judgement dated 2<sup>nd</sup> February 2012 in CWP 423 of 2010 has clearly and unambiguously enunciated that right to use such spectrum can only be alienated by a well-publicized transparent auction. This was further reiterated in Special Reference no 1 of 2012 by Hon Supreme Court of India.**
15. However, time and again **demands keep rising for administrative allocation of spectrum on the basis of technology, international examples, and different use and so on so forth.** We submit that the policy settled by Hon'ble Supreme Court in its above referred order cannot be altered and that any deviation from the Hon'ble Supreme Court established policy will be prone to legal challenges, delaying the assignments further apart from introducing regulatory unpredictability harming the orderly growth of the sector. **Accordingly, we reiterate our our comments on allocation of spectrum for satellite-based communication services in response to the consultation paper on 'Licensing Framework for Satellite-based Connectivity for low bit rate Applications'.** The relevant comments are reproduced herein below for ready reference.

*"....We submit that there **should not be any disparity in statutory and regulatory charges for using the Spectrum frequencies. There should also not be a case of exemptions for societal satcom networks unless competitive exemptions are also offered to terrestrial networks in offering services in remote locations.***

*Furthermore, from the legal aspect, in India, the allocation criteria for **any spectrum usable for providing communication services will have to comply with the Hon'ble Supreme Court Judgement on allocation of spectrum** in landmark 2G case in CWP 423 of 2010 dated 2<sup>nd</sup> February 2012, as also can be seen from the following relevant extracts.*

*"69. As natural resources are public goods, the doctrine of equality, which emerges from the concepts of justice and fairness, must guide the State in determining the actual mechanism for distribution of natural resources. In this regard, the doctrine of equality has two aspects: first, **it regulates the rights and obligations of the State vis-à-vis its people and demands that the people be granted equitable access to natural resources and/or its products and that they are adequately compensated for the transfer of the resource to the private domain; and second, it regulates the rights and obligations of the State vis-à-vis private parties seeking to acquire/use the resource and demands that the procedure adopted for distribution is just, non-arbitrary***

***and transparent and that it does not discriminate between similarly placed private parties.***

***89. In conclusion, we hold that the State is the legal owner of the natural resources as a trustee of the people and although it is empowered to distribute the same, the process of distribution must be guided by the constitutional principles including the doctrine of equality and larger public good.***

***95. .... When it comes to alienation of scarce natural resources like spectrum etc., it is the burden of the State to ensure that a non-discriminatory method is adopted for distribution and alienation, which would necessarily result in protection of national/public interest.***

***96. In our view, a duly publicised auction conducted fairly and impartially is perhaps the best method for discharging this burden ....”***

*We submit that with opening of the space segment, as envisaged under the new Spacecom Policy, more and more players, domestic as well as international, will be keen to enter the sector. Thus, there will be a situation of large number of operators, including LEO, MEO, GEO based operators within the satellite-based communication provider fraternity in addition to terrestrial communication service provider, chasing the limited resource in terms of spectrum. Thus, it is imperative that the spectrum allocation policies for space segment are brought on even keel.*

***If the current policies are continued, it would result into spectrum allocation for space segment on the basis of first-come-first serve, the very policy that has been criticized and junked by the Hon’ble Supreme Court.***

***Therefore, it is critical that the tried and tested policy of auction of Spectrum is persisted with for availing the Spectrum that can be deployed to offer communication services to Indian citizens, irrespective of the network deployed i.e., satellite or terrestrial communication networks.***

16. Furthermore, as the frequencies allocated to service licensees will be instrumental in providing communication services direct to customers, **auction will also ensure that Same Service Same Rules and equitable policy in allocation of vital national resources are maintained so that the existing and future investments in providing similar services by alternate technologies are not discouraged and the existing large investments by TSPs are not adversely impacted.**

## 17. Conclusions

1. The provision of Satellite Earth Gateway Station should be delinked from a service license and a new chapter that enables establishing, working and maintaining Satellite Earth Station Gateways (SESG) as service should be introduced in Unified License.
2. The new authorization should have equitable financial and other obligations.
3. The licensee should be permitted to offer services only to service licensees on B2B basis
4. The existing service licensees should also be permitted to optimize their existing facilities by delinking the same from service.
5. The Baseband equipment should belong to the service licensee and not SESG Licensee
6. Provision of facility based SESG by an Indian entity holding a Unified Licence authorization will ensure compliance with national security and data privacy related requirements.
7. The Service Licensee shall be responsible of establishing, maintaining, and working of suitable feeder links to SESG by arranging required resources including spectrum.
8. All spectrum, including the feeder link should be assigned through an open and transparent auction, in line with settled policy and practices.
9. Auction of all spectrum will ensure equitable policy in allocation of this vital national resource while also complying with 'Same Service Same Rules' principle, which is critical for inviting new investments and protecting existing large investments by TSPs.

### Issue wise response:

**Q1. Whether there is a need to have a specific license for establishing satellite Earth Station Gateway in India for the purpose of providing satellite-based resources to service licensees? Do justify your answer.**

### RJIL Response

1. We submit that satellite-based communication service is an evolving communication technology and Satellite Earth Station Gateway (SESG) plays an integral and inalienable role in provision of services under this technology. The Earth Station actively connects the service provider's network with the satellite constellation and consequently the right to establish SESG comes with various Unified License authorizations like VSAT-CUG, GMPCS and MSS-R.

2. It is pertinent to mention here that by keeping the provision of establishing the SESG under various service licenses, the Authority and Government have ensured that various National Security and Interception related requirements are, inevitably, applicable for the Gateway as well.
3. We appreciate the DoT's concern in its reference to TRAI that in view of the evolution of satellite-based communication technology, persisting with the current dispensation will lead to multiplicity of Gateways and non-optimal utilization of resources leading to unnecessary cost pressure on the nascent service. **We agree that this should be addressed with suitable legally tenable modifications in the licensing framework and submit that this should be done through introduction of new chapter in Unified License for provision of SESG services as an independent facility.**
4. The Authority has noted in its Consultation Paper that *"with the technological development in the satellite communication segment, the operation of Earth Station (Hub) has become more complex and dynamic,"*. **The evolving complexity of this system, that holds active elements of a communication network and can also be a facility used by multiple communication service providers, makes it incumbent upon the Authority to keep it as an integral part of services being offered under the Unified License.**
5. This authorization will enable the licensees to offer Gateway services to different service license holders, as per their requirements, on mutually agreed commercial terms. **However, as this new authorization will be designed solely to facilitate sharing of Gateway facility between service licensees, the licensee with this authorization should only provide the gateway services to the satellite-based services provider i.e. GMPCS or other licensee under section 4 of telegraph act on B2B basis and should not be permitted to access the customers directly.** The services to the consumers will be provided only by the entity holding requisite UL such as Access Services, GMPCS, NLD etc.
6. Further, the existing service licenses that have already established Gateway operations should also be given the opportunity of availing the revenue optimization opportunities under this new authorization, if required, by opting for this authorization.
7. Furthermore, licensing for providing this facility is also important from the perspective that absence of such a requirement may lead to unwanted scenario of uncontrolled mushrooming of the earth stations across the country without any coordination and control. This will lead to interference, co-ordination, and National security related issues.
8. **In view of the above, we submit that there is a need to have a specific authorization under the Unified License for establishing, working, and maintaining Satellite Earth Station Gateways (SESG) in India for purpose of providing satellite-based resources to**



service licensees. This authorization will enable various non-service license holders to establish Gateways on commercial basis, without diluting the requirements of Unified License.

**Q2. If yes, what kind of license/permission should be envisaged for establishing Satellite Earth Station Gateway in India? Do provide details with respect to the scope of the license and technical, operational, and financial obligations, including license fee, entry fee, bank guarantees, and NOCC charges, etc.**

**RJIL Response**

1. As mentioned above, establishing of Satellite Earth Station Gateway in India, to offer **facility based service to multiple service licensees should be permitted under a new authorization under Unified License. This authorization can be eponymously titled Satellite Earth Station Gateway Authorization.**
2. The scope of service under this UL Authorization should be to establish Land Earth Station Gateway in India for the purpose of offering it to licensed service providers for providing satellite-based communication services. **The Licensee may provide services using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established separately in India for each Satellite System. The License area will be at National level.**
3. The technical and operational conditions will remain same as for existing licensee's Gateways for their own use with an option to offer the service to more than one service licensees at mutually negotiated terms.
4. The financial obligations like license fee should be at par with all other authorizations under the Unified License, which is currently at 8% of the Adjusted Gross Revenue (AGR) and should be modified, if deemed suitable, along with other licensees. **The charges paid by the service licensees to Gateway provider may be treated as pass through, for licensee fee payment by the service licensee, in order to avoid double taxation.**
5. The entry free and financial requirements like Minimum Equity, Networth, Bank Guarantees, penalty amounts etc. should be kept same as that for GMPCS service. The Authority has already recommended for rationalization of NOCC charges under its recommendations on *'Provision of Cellular Backhaul Connectivity via Satellite Through VSAT Under Commercial VSAT CUG Service Authorization'* dated 28<sup>th</sup> July 2020 and same should be applicable for the new authorization as well.

6. There is an urgent need for procedural simplifications and implementation of Ease of Doing Business measures in awarding the authorization and related approvals to get the maximum dividend of proposed liberalization. The simplification should include single window clearances, creation of SACFA pre-approved zones for expeditious approvals.
7. With the liberalization of Space Segment, it is submitted that there is no need for approval by Apex Committee and NOCC. Similar simplification can also be brought in frequency plan approval by approving entire bandwidth and transmit power for faster clearances and more flexibility. The Earth Station licensees can also file a periodic report with DoS about operational carrier plan. Further, since the satellite constellation are controlled by non ISRO/ DoS operators, NOCC testing can be dispensed with.
8. Another facilitation area for new SESG authorization holders can be mandating that the charging for satellite capacities obtained by the new licensee will commence only after all regulatory approvals are in place.

**Q3. Whether such Earth Station license should be made available to the satellite operator or its subsidiary or any entity having a tieup with the satellite operator? Do justify your answer.**

**RJIL Response**

1. We submit that in compliance with Unified License Guidelines, all Indian companies registered under the Indian Companies Act 2013 can apply for obtaining a Unified License authorization post complying with the financial and FDI requirements and the same should apply for this authorization as well. Further considering the overlap with Spacecom policy, the applicant should also be compliant with the eligibility requirements of Spacecom policy.
2. There should be no restrictions on Satellite operator or its subsidiary or any other entity with a tie-up with Satellite operator to apply for this authorization, subject to the applicant being an Indian entity complying with Unified License guidelines and Spacecom policy requirements. Therefore, we submit that all eligible Indian Entities should be permitted to set up this facility with or without tie-up with a satellite operator.
3. We submit that as the market dynamics and international examples indicate that most international satellite-based communication service providers are desirous of going direct to customers on their own, therefore, ensuring that these services in India are provided by only an Indian entity will also help ensuring compliance with vital Data privacy requirements as well. As the entity operating SESG will be handling the data of Indian citizen, businesses, Government, and other statutory institutions etc., it is vital to have an Indian ownership to avoid unnecessary data privacy related issues in the future.

**Q4. What mechanism/framework should be put in place to regulate the access to satellite transponder capacity and satellite-based resources of a Satellite operator/Earth Station licensee by the service licensees so as to get the resources in a time-bound, transparent, fair and non-discriminatory manner?**

**RJIL Response**

1. We submit that as this will be a new segment in the communication sector, whose growth will be dependent on evolution and growth of satellite-based communication services, there is no need to put a restrictive mechanism at the beginning itself. We feel that this may impact the monetization of services and may, in turn, end up impacting the growth of this facility in the country. Thus, initially, the Authority may permit market forces to dictate the growth of installation and availability of this facility.
2. The Authority may recommend provision in the license to ensure that the satellite transponder capacity is made available in a time bound, transparent, fair, reasonable, and non-discriminatory manner. However, there is no need of any extensive regulations at this fledgling stage.
3. The Authority should mandate transparency requirements on satellite providers and Earth Station providers to ensure that the available capacities are published periodically to facilitate the service licensees in availing the capacities. This will facilitate optimum utilization of capacities by promoting the market for short term lease of capacities, alongwith exiting market practice of long-term contracts.
4. Needless to add that the Authority may keep monitoring the competitive landscape and, in the event, it is felt necessary to intervene, then it may come up with comprehensive framework as done in case of CLS in terms of RIO and charges etc.

**Q5. Whether the Earth Station Licensee should be permitted to install baseband equipment also for providing satellite bandwidth to the service licensees as per need? Provide a detailed response.**

**RJIL Response**

1. The baseband equipment essentially enables the Earth Station to establish the basic service capabilities. As noted by the Authority, it has an active role in both uplink and downlink leg. Its role includes modulation and FEC, multiple access method, and interface to the user or terrestrial network.

2. In transmitting part, terrestrial data in the form of baseband signals, is passed through a baseband processor through antenna to orbiting satellite and reverse process is performed in receiving data from satellite, thus Baseband equipment is an essential part of satellite communication.
3. Further, in many cases, **cost of this equipment amounts to biggest part of investment in the Earth Station as the size and design of the baseband equipment needs to be proportionate to support the bandwidth and communication applications, an Earth Station serves. Thus, while the equipment is an integral part of the communication services to be provided, it can be cost prohibitive for the Gateway to install the same for all service providers being served by it.**
4. Further, the facility based Earth Station, while handling the active elements of the communication network, will be primarily installed to provide the feed to the Service licensee's terrestrial network. With the desired multiplicity of Service Licensees attached to an Earth Station, all with varying frequencies and different bandwidth requirements, it would be more appropriate for the service licensees to install their own baseband equipment at Earth Station.
5. **Accordingly, we suggest that the Authority should not permit the standalone Gateway Providers to install the Baseband equipment and as mentioned in DoT reference, the service licensee should deploy the baseband systems at gateways utilize the desired satellite capacity. This will result in cost effective and optimum use of resources. The Earth Station Licensees can acquire a service license in case they wish to install baseband equipment and acquire right to use feeder link frequencies.**

**Q6. What amendments will be required to be made in the existing terms and conditions of the relevant service authorizations of Unified License, DTH License/Teleport permission to enable the service licensee to connect to the Satellite Earth Station Gateway established by Earth Station Licensee/Service Licensee, for obtaining and using the satellite transponder bandwidth and satellite-based resources? Do justify your answer.**

**And**

**Q7. Whether the sharing of Earth Station among the licensees (between proposed Earth Station licensee and Service Licensee; and among service licensees) should be permitted? Do provide the details with justification.**

#### **RJIL Response**

1. We understand that the whole premise of DoT reference and consequently this Consultation process is to explore the possibility of optimizing the resources by permitting the establishment of Earth Station without obtaining a service license and to offer this

facility to interested service licensees under sharing of resources. We are extracting and reproducing the relevant part of the DoT reference, as herein below.

*Given the current regulatory/licensing framework, a TSP may have to establish a gateway in compliance to the Unified License terms and conditions, even to utilize small chunk of bandwidth to render service. In case the TSP requires to use satellite bandwidth in multiple beam areas, then it is mandated to establish more gateways to utilize the bandwidth in different beam areas. Also, with a number of TSPs in operation, this may lead to multiplicity in set up of gateways. The advantage of higher bandwidth in HTS/LEO/MEO satellite will, however, require establishing a large number of gateways by each individual licensee to whom the bandwidth is allocated by the satellite constellation operator. **On the other hand, sharing of the gateway established by the satellite constellation operator among different TSPs, wherein the service providers need only to deploy baseband systems at gateways to start harnessing the satellite capacity, may result in cost effective and optimum use of resources.***

2. **Evidently, the permission of sharing is imperative to make this new licensing framework for establishing Gateways relevant. However, what needs to be deliberated is to what can be shared and appropriate framework for sharing.**
3. We submit that the Government has already allowed the sharing of an Authorized Gateway hub under the Unified license amendment to PART-I, CHAPTER-V OPERATING CONDITIONS vide amendment dated 23<sup>rd</sup> September 2021 (further corrigendum dated 27<sup>th</sup> September 2021. The relevant clause is extracted and reproduced below:

*33.4 An Authorized Gateway hub operated by the satellite provider itself is permitted to be shared with the satellite bandwidth seeker.*

4. In line with this amendment and in view of the fact that the Satellite constellation operators or any other entity will be setting up this facility only with an intent to offer services to one or more service licensees, the sharing of Earth Station among licensees should be permitted. **The active infrastructure sharing should be permitted as per the existing license specific instructions applicable to each service licensee.**
5. In order to optimize the resources, **there should be no sharing restriction on the Gateway operator, and it should be permitted to share the Earth Station with as many service licensees, as possible. However, it should ensure that the active elements of each of the service licensee are physically and logically separated at the Earth Station. Further, there should be no baseband equipment sharing between various service licensees.**

6. In order to facilitate sharing of Earth Station resources, enabling provisions should be incorporated in various service licenses. We are proposing a sample amendment in the scope of GMPCS authorization under Unified License herein below and similar changes can be incorporated in all other relevant service licenses. The existing provision under scope of GMPCS service may be amended as below

Existing Provision	Revised Provision
<p><i>The Licensee shall establish Land Earth Station Gateway in India for the purpose of providing Global Mobile Personal Communication by Satellite (GMPCS) Service. GMPCS Service may be provided using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established separately in India for each Satellite System.</i></p>	<p><i>The Licensee shall establish Land Earth Station Gateway in India <b>or obtain such resources from a Satellite Earth Station Gateway Authorization holder</b>, for the purpose of providing Global Mobile Personal Communication by Satellite (GMPCS) Service. GMPCS Service may be provided using one or more Satellite Systems provided that the Land Earth Station Gateway Switch is established/<b>procured</b> separately in India for each Satellite System.</i></p>

**Q8. To whom should the frequency carriers be assigned: the Earth Station Licensee, or the Service Licensee, or whoever establishes the Satellite Earth Station? Do justify your answer.**

**RJIL Response**

1. We submit that the Earth Station licensees will be operating the Earth Station only as a facility for service licenses to connect with appropriate satellite operator for provision of satellite-based communication services. Consequently, there is no need for change in current dispensation on assigning frequency carriers to service licensees based on the space segment acquired from the satellite operator.
2. As mentioned by the Authority that internationally many of the administrations separate the Earth Station operation and the service provisioning. As all spectrum, be it access spectrum or the feeder link, essentially pertain to provisioning the service, the spectrum should be assigned to the service licensee only.
3. **Further, since the feeder link frequencies and look angle will vary for satellite constellations, the spectrum for the same should be allowed to GMPCS or any other service provider and not to the gateway provider. This will provide flexibility to the**

**satellite-based communication provider to use the services of any gateway provider and thereby avoid any monopolistic behaviour by gateway provider.**

4. Furthermore, the integrated Satellite providers with their own and exclusive Earth Station license and service license may also be permitted to obtain the Feeder link frequencies.

**Q9. What should be the methodology for the assignment of spectrum for establishing satellite Earth Station? Provide a detailed justification.**

#### **RJIL Response**

1. RJIL has always maintained that spectrum used for provision of communication services to Indian customers, be it access spectrum, backhaul spectrum, satellite feeder link, satellite linked spectrum, E-Band, V-Band, or any other spectrum band that may be found suitable for communication services in future, should be assigned through a legally valid auction based mechanism and the same submission is reiterated for assignment of feeder link.
2. We reiterate that there is a **requirement of enunciating a uniform policy for assignment of Spectrum used in provision of communication services in the country, irrespective of the spectrum usage i.e. access, backhaul, feeder link or any other.** As legally, a fair and transparent auction is the only mode of assigning the rights to use spectrum that can be used to build commercial/public communication networks, **the spectrum for feeder link should also be assigned following a well-publicized auction based mechanism.**
3. **The Authority and DoT are themselves visualizing a situation where multiple service licensees will be competing to offer the satellite-based communication services to Indian customers, thus, any other mode of assignment but auction, will lead to unnecessary, expensive, and unwarranted legal disputes at the cost of development and growth of communication services in the country. Therefore, it is imperative that there is no deviation from well publicized auction based mechanism.**
4. Each country is sovereign country and governed by its constitution. In our country, the orders of the Hon Supreme Court are final and binding on all as per Article 144 of the constitution. The Hon'ble Supreme Court in its judgement dated 2<sup>nd</sup> February 2012 in CWP 423 of 2010 has clearly and unambiguously enunciated that right to use such spectrum can only be alienated by a well-publicized transparent auction. This was further reiterated in Special Reference no 1 of 2012 by Hon Supreme Court of India. However, time and again **demands keep rising for administrative allocation of spectrum on the basis of technology, international examples, and different use and so on so forth.** We submit that the policy settled by Hon'ble Supreme Court in its above referred order

cannot be altered and that any deviation from the Hon'ble Supreme Court established policy will be prone to legal challenges, delaying the assignments further apart from introducing regulatory unpredictability harming the orderly growth of the sector.

5. **We further submit that when sufficient competition is available for right to use certain frequencies and services are being provided on commercial basis, then only auction will pass the stern test of equitable and fair assignment without compromising the correct valuation for a public asset. Any other mode of assignment would fall into the trap of being based on First Come First Serve policy with minor variations and will be open to legal challenges as being in violation of Hon'ble Supreme Court Judgement.**
6. **Needless to reiterate that auction will ensure that Same Service Same Rules and equitable policy in allocation of vital national resources are maintained so that the existing and future investments in providing similar services by alternate technologies are not discouraged and the existing large investments by TSPs are not adversely impacted.**

**Q10. What should be the charging mechanism for the spectrum assigned to the satellite Earth Station licensee? Elaborate your answer with justification.**

**RJIL Response**

We submit that as all Spectrum for communication services in the country should be auctioned as per our current practices, there is no scope for having a separate technology specific charging mechanism. **Therefore, we submit that the charging mechanism for the spectrum assigned for feeder link at satellite earth stations should be consistent with the extant framework for terrestrial spectrum, including auction parameters such as reserve price, spectrum bands, block size and minimum rollout obligations etc.**

**Q11. Give your comments on any related matter that is not covered in this Consultation Paper.**

**RJIL Response:** None