

Response from Sify Technologies Limited

We express our sincere appreciation for initiating a consultation paper on service authorization. This move demonstrates Authorities Intent to fostering a transparent and inclusive regulatory environment.

Your efforts to solicit feedback from stakeholders will undoubtedly contribute to a more comprehensive and effective framework for service authorization. We are grateful for the opportunity to participate in this process and share our thoughts on this crucial aspect of the telecom industry.

Thank you for your dedication to promoting innovation and consumer interests.

Q1. For the purpose of granting authorisations under Section 3(1) of the Telecommunications Act, 2023, whether the Central Government should issue an authorisation to the applicant entity, as is the international practice in several countries, in place of the extant practice of the Central Government entering into a license agreement with the applicant entity? In such a case, whether any safeguards are required to protect the reasonable interests of authorized entities? Kindly provide a detailed response with justifications.

Sify Response:

Under the current framework, the Licensing Authority (Department of Telecommunications) enters into a license agreement with the applicant entity, outlining the terms and conditions for providing telecommunication services. This approach provides a clear understanding of the obligations and responsibilities of both parties.

Proposed Approach: Service Authorisation

Issuing an authorization instead of a license agreement, as practiced in some international jurisdictions, could offer more flexibility and simplicity. However, it's crucial to ensure that the authorization framework includes adequate safeguards to protect the interests of authorized entities.

To protect the reasonable interests of authorized entities, the following safeguards could be considered:

1. **Clear Terms and Conditions:** Ensure the authorization document outlines clear terms, conditions, and obligations for both the Central Government and the authorized entity.
2. **Dispute Resolution Mechanism:** Implement a fair and transparent dispute resolution process to address any conflicts that may arise.
3. **Public Consultation:** Conduct public consultations to ensure transparency and stakeholder input in the authorization process.
4. **Appeal Mechanism:** Establish an appeal mechanism for authorized entities to challenge decisions made by the Central Government.

We firmly believe that an authorization framework can offer more flexibility than a license agreement, allowing for easier updates and adaptations to changing market conditions also reduce administrative burdens and enabling faster deployment of telecommunication services. We believe that if the framework aligns with international practices would facilitate cooperation and investment from global entities.

In conclusion, issuing an authorization instead of a license agreement can be a viable approach, provided that adequate safeguards are implemented to protect the interests of authorized entities. This will ensure a balanced framework that promotes flexibility, simplicity, and regulatory oversight.

Q2. Whether it will be appropriate to grant authorisations under Section 3(1) of the Telecommunications Act, 2023 in the form of an authorisation document containing the essential aspects of the authorisation, such as service area, period of validity, scope of service, list of applicable rules, authorisation fee etc., and the terms and conditions to be included in the form of rules to be made under the Telecommunications Act, 2023 with suitable safeguards to protect the reasonable interests of the authorised entities in case of any amendment in the rules? Kindly provide a detailed response with justifications.

Sify Response:

Section 3(1) of the Telecommunications Act, 2023

This section likely outlines the general provisions for granting authorizations in the telecommunications sector. Here's a possible interpretation:

Department of Telecommunications may, on the recommendations of the Authority, grant an authorization to any person for Establishing, maintaining, or operating any telecommunications network or service and Allocate Spectrum for the same.

Granting authorizations under Section 3(1) of the Telecommunications Act, 2023, through an authorization document containing essential aspects, and separate rules with safeguards, is an appropriate approach.

Advantages:

1. **Clarity and Transparency:** The authorization document must provide clear and concise information on the scope of authorization, service area, and terms.
2. **Efficient Amendments:** Separating terms and conditions into rules allows for easier amendments, without modifying the authorization document
3. **Protection of Interests:** Suitable safeguards in the rules will protect authorized entities' interests in case of amendments.
4. **Regulatory Flexibility:** This approach enables TRAI to respond to changing market conditions and technological advancements.

Justifications:

1. **International Best Practices:** This approach aligns with international best practices in telecommunications regulation.
2. **Stakeholder Convenience:** Authorized entities will benefit from a clear, concise authorization document and separate rules.
3. **Regulatory Certainty:** This approach provides a stable regulatory environment, encouraging investment and innovation.
4. **Compliance:** Separating terms and conditions into rules ensures compliance with the Telecommunications Act, 2023.

Suggested Safeguards:

1. **Notice Period:** Provide a reasonable notice period for rule amendments
2. **Stakeholder Consultation:** Conduct public consultations before amending rules.
3. Allow authorized entities to continue operating under existing terms for a specified period
4. **Dispute Resolution:** Establish a clear dispute resolution mechanism for authorized entities.

By adopting this approach, TRAI can ensure a transparent, efficient, and protective regulatory framework for authorized entities, while maintaining flexibility to address evolving market conditions.

Q3. In case it is decided to implement the authorisation structure as proposed in the Q2 above, -

(a) Which essential aspects of authorisation should be included in authorisation documents?

(b) What should be the broad category of rules, under which, terms and conditions of various authorisations could be prescribed?

(c) Whether it would be appropriate to incorporate the information currently provided through the extant Guidelines for Grant of Unified License and Unified License for VNO, which included, inter-alia, the information on the application process for the license, eligibility conditions for obtaining the license, conditions for transfer/ Merger of the license etc., in the General Rules under the Telecommunications Act, 2023?

(d) What could be the broad topics for which the conditions may be required to be prescribed in the form of guidelines under the respective rules?

Kindly provide a detailed response with justifications.

Sify Response:

Yes, it would be appropriate to incorporate the information currently provided through the extant Guidelines for Grant of Unified License and Unified License for VNO into the General Rules under the Telecommunications Act, 2023. This would:

Essential Aspects of Authorization to be Included in Authorization Documents:

If the proposed authorization structure is implemented, the following essential aspects of authorization should be included in the authorization documents:

1. Authorization ID: Unique identifier for the authorization.
2. Name and Details of the Entity
3. Service Area
4. Scope of Service
5. Validity
6. Authorisation Fee (Minimum)
7. Basic Terms and Conditions
8. Spectrum Guidelines
9. Minimum Technical and Security Conditions
10. Minimum Compliance Requirements and Dispute Resolution

Q4. In view of the provisions of the Telecommunications Act, 2023, what safeguards are required to be put in place to ensure the long-term regulatory stability and business continuity of the service providers, while at the same time making the authorisations and associated rules a live document dynamically aligned with the contemporary developments from time to time? Kindly provide a detailed response with justifications.

Sify Response:

The long-term regulatory stability and business continuity of service providers can be ensured if the process of making or amending rules is transparent, consistent, and follows principles of due consultation.

Section 11 of the TRAI Act is the cornerstone for transparency, consistency, competition facilitation, and efficiency promotion in telecommunications. Under Section 11(1)(a), TRAI can make recommendations, either suo-moto or upon a request from the licensor, regarding the terms and conditions of a license to a

service provider. This is notwithstanding anything contained in the Telecommunications Act of 2023.

TRAI follows an open house consultation process to transparently discuss all aspects of any such terms and conditions before making recommendations to the DoT. This process is transparent, allowing all stakeholders to understand each other's views, provide counter-comments, and participate in open house discussions. This enables TRAI to consider all perspectives and make well-reasoned recommendations, thus fully meeting the transparency requirements set out in the TRAI Act.

We submit that this same process must continue with respect to terms and conditions in authorization, and TRAI's recommendations are necessary for any such rules to be made by the Licensing Authority.

Q5. In addition to the service-specific authorisations at service area level, whether there is a need for introducing a unified service authorisation at National level for the provision of end-to-end telecommunication services with pan-India service area under the Telecommunications Act, 2023? Kindly justify your response.

Sify Response:

Unified Service Authorization at National Level: Need and Justification

The introduction of a unified service authorization at the national level for end-to-end telecommunication services with a pan-India service area under the Telecommunications Act, 2023, is a crucial consideration. Here are some points to justify the need for such a unified authorization:

Simplification and Streamlining

A unified national authorization would simplify and streamline the process of obtaining permissions, reducing the complexity and time involved in seeking multiple service-specific authorizations at the service area level.

Pan-India Service Provision

With a unified authorization, telecommunication service providers can offer services across India without needing to obtain separate authorizations for each service area, facilitating seamless pan-India service provision.

Regulatory Efficiency

A national-level authorization would enable regulatory efficiency, as the central government can establish standardized guidelines and monitoring mechanisms, reducing the burden on individual service areas.

Competition and Innovation

A unified authorization would promote competition and innovation, as service providers can focus on developing new services and expanding their customer base without being hindered by regional regulatory barriers.

Consumer Benefits

Ultimately, a unified national authorization would benefit consumers, as they would have access to a wider range of services and service providers, leading to improved quality and competitive pricing.

In conclusion, introducing a unified service authorization at the national level would bring numerous benefits, including simplification, streamlining, regulatory efficiency, promotion of competition and innovation, and improved consumer benefits however would have negative as well as positive impact on Existing Players with Huge Investment.

Q6. In case it is decided to introduce a unified service authorisation at National level for the provision of end-to-end telecommunication services-

(a) What should be the scope of service under such an authorisation? (b) What terms and conditions (technical, operational, security related, etc.) should be made applicable to such an authorisation?

(c) Would there be a need to retain some of the conditions or obligations to be fulfilled at the telecom circle/ Metro area level for such an authorisation?

(d) Should assignment of terrestrial access and backhaul spectrum be continued at the telecom circle/ Metro area level for such an authorisation?

(e) Any other suggestion to protect the interest of other authorised entities/ smaller players upon the introduction of such an authorisation.

Kindly provide a detailed response with justification.

Sify Response:

Scope of Service under Unified National Authorization

The scope of service under a unified national authorization for end-to-end telecommunication services could include:

Telecommunications Services:

1. Unrestricted Voice Services
2. Video Conferencing Services
3. Data Services
4. Value Added Services

In short, All terrestrial services which doesn't require spectrum or satellite bandwidth should be allowed to be provided. For starting a services, the process of Intimation should be simplified.

Terms and Conditions(Security, Technical and Network):

Minimizing Security Audit Burden without Compromising National Security

1. Focus on high-risk areas and critical infrastructure, prioritizing resources and efforts.
2. Government to use the USO Fund and Implement continuous monitoring and automated tools to reduce the frequency and scope of audits.
3. Foster collaboration and information sharing between organizations and government agencies to reduce duplication of efforts.
4. Streamline regulatory requirements and reduce unnecessary or redundant audit requirements.
5. Limit audit scope to essential areas, avoiding unnecessary scrutiny of non-critical systems or data.
6. Allow organizations to conduct self-assessments and self-certifications, reducing the need for external audits.

By implementing these measures, the security audit burden can be minimized while maintaining robust national security measures and would promote innovation.

Q7. Within the scope of Internet Service authorisation under the Telecommunications Act, 2023, whether there is a need for including the provision of leased circuits/ Virtual Private Networks within its service area? Kindly provide a detailed response with justifications.

Sify Response:

At present, the ISP authorisation in UL clearly states that the Licensee shall not offer VPN/CUG services to its subscribers.

On the other hand, the Access Service authorisation in UL provides that the Licensee may provide leased circuits within its respective service area. However, interconnection of leased circuits, whether point to point or in CUG network, with PSTN/PLMN/GMPCS/Internet Telephony Network is not permitted.

Further, the NLD Service authorisation in UL provides that the Licensee can provide leased circuit/VPN Services. Further, only for provision of leased circuits/CUGs on leased circuits and for provision of national long distance voice service through

Calling Cards, the Licensee can access the subscribers directly. While providing the domestic leased circuits, the Licensee shall be required to make own suitable arrangements for leased circuits/agreements with the Access Providers for last mile. Public network is not to be connected with leased circuits/CUGs.

Within the scope of Internet Service authorization under the Telecommunications Act, 2023, only the provision of internet Virtual Private Networks (IVPNs) should be allowed.

Restricting MPLS VPN (Multiprotocol Label Switching Virtual Private Network) for ISPs (Internet Service Providers) may be considered for several reasons:

1. **Network Complexity:** MPLS VPNs can add complexity to network architecture, potentially leading to management and maintenance challenges.
2. **Security Risks:** MPLS VPNs can introduce security risks if not properly configured, such as unauthorized access or data breaches. Companies currently providing MPLS Network to the critical Sectors such as Bank, RBI are well equipped to manage and maintain the Infrastructure.
3. **Interoperability Issues:** MPLS VPNs may not be compatible with all network infrastructure or services, potentially leading to interoperability issues.
4. **Over-Engineering:** MPLS VPNs might be considered over-engineering for smaller ISPs or those with limited network requirements.
5. **Cost Considerations:** Implementing and maintaining MPLS VPNs can be costly, potentially burdening smaller ISPs.

A balanced approach, considering both the benefits and drawbacks, is crucial when deciding whether to allow MPLS VPNs for ISPs.

Q8. In case it is decided to enhance the scope of Internet Service authorisation as indicated in the Q7 above, -

(a) What should be terms and conditions (technical, operational, security related, etc.) that should be made applicable on Internet Service authorisation?

(b) Any other suggestion to protect the reasonable interests of other authorised entities upon such an enhancement in the scope of service. Kindly provide a detailed response with justifications.

Sify Response:

Already answered

Q9. Whether there is need for merging the scopes of the extant National Long Distance (NLD) Service authorization and International Long Distance (ILD)

Service authorization into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Q10. In case it is decided to merge the scopes of the extant NLD Service authorization and ILD Service authorization into a single authorisation namely Long Distance Service authorisation under the Telecommunications Act, 2023,

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(a) What should be the scope of service under the proposed Long Distance Service authorisation?

(b) What terms and conditions (technical, operational, security related, etc.) should be made applicable on the proposed Long Distance Service authorisation?

(c) Any other suggestions to protect the reasonable interests of other authorised entities upon the introduction of such an authorisation? Kindly provide a detailed response with justifications.

Sify Response:

Merging NLD and ILD Service authorizations into a single Long Distance Service authorization under the Telecommunications Act, 2023, is justified due to simplification, technological convergence, globalization, flexibility, reduced regulatory overlap, streamlined compliance, enhanced competition, and alignment with international practices however it is important to establish transitional provisions to facilitate a smooth transition for existing NLD and ILD service providers.

Scope of Service under the Proposed Long Distance Service Authorization

1. National Long Distance Service (NLD)
2. International Long Distance Service (ILD)
3. Integrated Long Distance Service: Bundled services combining NLD and ILD services

Service Features:

1. Voice, Messaging and Conferencing
2. Converged Services: Integrating voice, data, and multimedia services.
3. Secure, dedicated network services for businesses and enterprises.
4. Dedicated, point-to-point connectivity services.

Network Infrastructure:

1. Operation and maintenance of network infrastructure for long distance services.

Interconnection with other networks for long distance services.

Minimized terms and Condition related Security, Technical and Network Conditions without compromising Data Breach. This would require a detailed deliberation in a separate consultation paper.

However, it should be ensured that the clubbing does not result in imposition of any additional compliance requirements on a specific service. For instance, there should be no requirement of lawful interception on domestic traffic, as is the case currently.

Q11. Whether there is need for merging the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorisation namely Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Q12. In case it is decided to merge the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorisation namely Satellite-based Telecommunication Service authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope of service under the proposed Satellite- based Telecommunication Service authorisation?

(b) What should be terms and conditions (technical, operational, security related, etc.) that should be made applicable on the proposed Satellite-based Telecommunication Service authorisation?

(c) Any other suggestion to protect the reasonable interests of other authorised entities upon the introduction of such an authorisation?

Kindly provide a detailed response with justifications.

Sify Response:

No Comments

Q13. Whether there is a need for merging the scopes of the extant Infrastructure Provider-I (IP-I) and DCIP authorization (as recommended by

**TRAI) into a single authorisation under the Telecommunications Act, 2023?
Kindly provide a detailed response with justifications.**

Q14. In case it is decided to merge the scopes of the extant IP-I and DCIP (as recommended by TRAI) into a single authorisation under the Telecommunications Act, 2023, -

(a) What should be the scope under the proposed authorisation?

(b) What terms and conditions should be made applicable to the proposed authorisation?

Kindly provide a detailed response with justifications.

Sify Response:

No Comments

Q15. Whether there is a need for clubbing the scopes of some of the other authorisations into a single authorisation under the Telecommunications Act, 2023 for bringing more efficiency in the operations? If yes, in your opinion, the scopes of which authorisations should be clubbed together? For each of such proposed (resultant) authorisations, -

(a) What should be the scope of the service? (b) What should be the service area?

(c) What terms and conditions (technical, operational, security, etc.)

should be made applicable?

Sify Response:

Clubbing the scopes of certain authorizations can bring more efficiency in operations.

Unified Access Service Authorization:

Club the scopes of Unified Access Service (UAS) Authorization and Unified License Authorization. Both authorizations deal with access services, and clubbing them will simplify the framework however need to de-link long distance services.

Currently ISPs are allowed to provide only restricted IP Telephony and that is one of service needs to be part of the scope Authorisation. Unrestricted internet telephony is essential for a free, open, and connected society, driving innovation, economic growth, and social progress.

All other Technical, Operational and Security Condition need detailed deliberation through Consultation process.

Q16. Whether there a need for removing some of the existing authorizations, which may have become redundant? If yes, kindly provide the details with justification.

Sify Response:

Already answered.

Q17. Whether there is a need for introducing certain new authorisations or sub-categories of authorisations under the Telecommunications Act, 2023? If yes, - (a) For which type of services, new authorisations or sub-categories of authorisations should be introduced? (b) What should be the respective scopes of such authorisations?

(c) What should be the respective service areas for such authorisations? (d) What terms and conditions (general, technical, operational, Security, etc.) should be made applicable for such authorisations? Kindly provide a detailed response with justifications.

Sify Response:

To promote innovation and entrepreneurship in the telecommunications sector, a revised authorization framework can be established with the following principles:

1. Separate Authorizations for Scarce Resources

Spectrum Authorizations: Manage Efficient Use of Spectrum Allocation

Numbering plan authorization: Manage numbering resources effectively.

2. Distinct Category for International/Satellite Gateway Services

International Gateway Authorisation: Regulate International Connectivity

Satellite gateway authorization: Oversee satellite-based services.

Q18. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, - (a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding authorizations under the extant Unified License? (b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding authorizations under the extant Unified License? Kindly provide a detailed response with justifications.

Sify Response:

As per our comments to Question 17

Q19. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, -

(a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding authorizations under the extant Unified License for VNO?

(b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding authorizations under the extant Unified License for VNO? Kindly provide a detailed response with justifications.

Sify Response:

We propose VNO with separate authorization with the following features and which would create a conducive environment for existing and new VNO:

1. Minimum or No License Fee
2. Simplified Regulation
3. Technology Neutral: Authorization not specific to any technology or platform allows VNOs to innovate and adopt new technologies
4. Service Flexibility: Permission to offer a range of services and ability to bundle and create customised offerings
5. Remove restrictions to own IP Address

We also believe that the current proposal of the Authority would encourage existing VNOs to migrate, allowing them to take advantage of the benefits and innovations enabled by the new framework.

Q20. Whether the Access Service VNOs should be permitted to parent with multiple NSOs holding Access Service authorisation for providing wireless access service? If yes, what conditions should be included in the authorisation framework to mitigate any possible adverse outcomes of such a provision? Kindly provide a detailed response with justifications. 120

Sify Response:

Access Service VNOs with Multiple NSOs

Yes, Access Service VNOs should be permitted to parent with multiple NSOs holding Access Service authorization for providing wireless access services.

Justification

1. **Increased Competition:** Encourages competition among NSOs, leading to better services and pricing.
2. **Improved Service Quality:** Allows VNOs to select the best NSO for each service, enhancing overall quality.
3. **Innovative Services:** Enables VNOs to offer innovative services by combining resources from multiple NSOs.
4. **Efficient Resource Utilization:** Optimizes resource utilization by allowing VNOs to use resources from multiple NSOs.

Conditions to Mitigate Adverse Outcomes

1. **Clear Service Level Agreements:** Mandate clear SLAs between VNOs and NSOs to ensure quality and reliability.
2. **Interoperability Requirements:** Establish interoperability requirements to ensure seamless service delivery.
3. **Traffic Management:** Implement traffic management guidelines to prevent network congestion.
4. **Security Measures:** Ensure robust security measures to protect user data and prevent cyber threats.
5. **Monitoring and Enforcement:** Establish effective monitoring and enforcement mechanisms to prevent abuse.
6. **Transparency:** Mandate transparency in service offerings, pricing, and quality to protect user interests.

By permitting Access Service VNOs to parent with multiple NSOs, the regulatory framework can promote competition, innovation, and better services, while mitigating potential adverse outcomes through clear conditions and guidelines.

Q21. Considering that there are certain overlaps in the set of services under various authorisations, would it be appropriate to permit service-specific parenting of VNOs with Network Service Operators (NSOs) in place of the extant authorisation-specific parenting? Kindly provide a detailed response with justifications.

Sify Response:

No Comments

Q22. In view of the provisions of the Telecommunications Act, 2023 and technological/ market developments, - (a) What changes (additions, deletions, and modifications) are required to be incorporated in the respective scopes of service for each service authorisation with respect to the corresponding extant

standalone licenses/ authorizations/ registrations/ NOC etc.? (b) What changes (additions, deletions, and modifications) are required to be incorporated in the terms and conditions (General, Technical, Operational, Security, etc.) associated with each service authorisation with respect to the corresponding extant standalone licenses/ authorizations/ registrations/ NOC etc.? Kindly provide a detailed response with justifications.

Sify Response:

Already Answered

Q23. In view of the provisions of the Telecommunications Act, 2023 and market developments, whether there is a need to make some changes in the respective scopes and terms and conditions associated with the following service authorisations, recently recommended by TRAI: (a) Digital Connectivity Infrastructure Provider (DCIP) Authorization (under Unified License) (b) IXP Authorization (under Unified License) (c) Content Delivery Network (CDN) Registration (d) Satellite Earth Station Gateway (SESG) License If yes, kindly provide a detailed response with justifications in respect of each of the above authorisations. 121

Sify Response:

IXP Operation Should Be De-Linked from Licensing Framework

De-linking IXP operation from the licensing framework is beneficial for several reasons:

1. Removes regulatory burden, allowing IXPs to focus on operations and improvement.
2. Ensures IXPs remain neutral, not favoring specific networks or services.
3. Promotes competition among networks, driving innovation and better services.
4. Many countries de-link IXP operations from licensing, aligning with global best practices.
5. Encourages growth and development of internet infrastructure, promoting digital economy
6. Streamlines operations, increasing efficiency and reducing bureaucracy.

Q24. In view of the provisions of the Telecommunications Act, 2023 and market developments, any further inputs on the following issues under consultation, may be provided with detailed justifications: (a) Data Communication Services Between Aircraft and Ground Stations Provided by Organizations Other Than Airports Authority of India; (b) Review of Terms and Conditions of PMRTS and CMRTS Licenses; and (c) Connectivity to Access Service VNOs from more than one NSO.

Sify Response:

No Comments

Q25. Whether there is a need for introducing any changes in the authorisation framework to improve the ease of doing business? If yes, kindly provide a detailed response with justifications.

Sify Response:

We firmly believe that changes are needed to improve the ease of doing business.

Proposed Changes:

1. **Simplified Application Process:** Streamline the application process, reducing documentation and timelines.
2. **Online Portal:** Introduce an online portal for applications, tracking, and compliance.
3. **Standardized Requirements:** Standardize authorization requirements, eliminating ambiguity and confusion.
4. **Reduced Compliance Burden:** Minimize compliance requirements, focusing on critical aspects.
5. **Timely Decision-Making:** Ensure timely decision-making, with clear timelines and accountability.
6. **Transparency and Communication:** Enhance transparency and communication throughout the authorization process.
7. **Flexibility and Adaptability:** Allow for flexibility and adaptability in authorization terms, accommodating changing market needs.
8. **Telecommunications Dispute Resolution Committee (TDRC):** By establishing the TDRC, DOT can ensure effective and neutral dispute resolution, promoting a fair and competitive telecommunications ecosystem.

By introducing these changes, the authorization framework will become more business-friendly, efficient, and effective, promoting the ease of doing business and supporting the growth of the telecommunications sector.

Q26. In view of the provisions of the Telecommunications Act, 2023 and market/ technological developments, whether there is a need to make some changes in the extant terms and conditions, related to ownership of network and equipment, contained in the extant Unified License? If yes, please provide the details along with justifications.

Sify Response:

Yes, changes are needed in the extant Unified License terms related to ownership of network and equipment, considering the Telecommunications Act, 2023 and market/technological developments.

Proposed Changes:

1. **Network Sharing:** Allow network sharing among licensees to promote infrastructure sharing and reduce costs.
2. **Equipment Ownership:** Permit equipment ownership by third-party entities, enabling greater flexibility and investment.
3. **Leasing and Rental:** Allow leasing and rental of network equipment, reducing capital expenditure for licensees.
4. **Technology Neutrality:** Ensure technology neutrality in the license terms, allowing licensees to adopt new technologies.
5. **Spectrum Sharing:** Allow Spectrum Sharing as an option for smaller players to serve better in the niche market

By making these changes, the Unified License terms will align with the Telecommunications Act, 2023, and market/technological developments, promoting a more efficient, flexible, and innovative telecommunications sector.

Q27. Whether any modifications are required to be made in the extant PM-WANI framework to encourage the proliferation of Wi-Fi hotspots in the country? If yes, kindly provide a detailed response with justifications.

Sify Response:

No Comments

Q28. What should be the broad framework including the specific terms and conditions that should be made applicable for captive authorisations, which are issued on a case-to-case basis? Kindly provide a detailed response with justifications.

Sify Response:

No Comments

Q29. What amendments are required to be incorporated in the terms and conditions of authorisations for providing telecommunications services using satellite-based resources in light of the policy/ Act in the Space Sector? Kindly provide a detailed response with justifications.

Sify Response:

No Comments

Q30. Whether the provisions of any other Policy/ Act in the related sectors need to be considered while framing terms and conditions for the new 122 authorisation regime? If yes, kindly provide a detailed response with justification.

Sify Response:

No Comments

Q31. What conditions should be made applicable for the migration of the existing licensees to the new authorisation regime under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Sify Response:

To ensure a smooth transition, the following conditions should be made applicable for the migration of existing licensees to the new authorization regime under the Telecommunications Act, 2023:

1. **Service Continuity**

- Existing licensees must ensure continuity of services during the migration process.
- No disruption or degradation of services should occur during the transition.

2. **Infrastructure Upgradation**

- Existing licensees may be required to upgrade their infrastructure to meet the requirements of the new authorization regime.
- This includes adopting new technologies, standards, or specifications.

3. **Security and Privacy**

- Existing licensees must ensure the security and privacy of their services and infrastructure.
- Compliance with applicable security and privacy regulations is essential.

All existing license holders or registration holders must be encouraged to migrate to new regime. A pro rata refund of entry fee may also be considered for avoiding confusions and litigations.

Q32. What procedure should be followed for the migration of the existing licensees to the new authorisation regime under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Sify Response:

A simple application to migrate in appropriate authorisation should be proposed. As all license holders are verified once, need not be asked for any entry fee or processing fee. Pro rata entry fee refund can also be proposed and can also be adjusted against current license fees.

Q33. Do you agree that new guidelines for the transfer/ merger of authorisations under the Telecommunications Act, 2023 should be formulated after putting in place a framework for the authorisations to be granted under the Telecommunications Act, 2023? Kindly provide a detailed response with justifications.

Sify Response:

After introducing the new regime, it's essential to define merger and transfer with precise clarity to avoid confusion and ensure a smooth transition. This would ensure a stable and predictable environment for licensees, promoting investment, innovation, and consumer benefits.

Q34. Whether there is a need to formulate guidelines for deciding on the types of violations of terms and conditions which would fall under each category as defined in the Second Schedule of the Telecommunications Act, 2023? If yes, kindly provide a detailed response with justifications.

Sify Response:

Yes, there is a need to formulate guidelines for deciding on the types of violations of terms and conditions that would fall under each category as defined in the Second Schedule of the Telecommunications Act, 2023. These guidelines will ensure consistency, transparency, and fairness in the enforcement of the Act.

Objectives of the Guidelines

1. Clarify the types of violations corresponding to each category
2. Establish a clear framework for enforcement and penalties
3. Provide guidance for service providers to ensure compliance
4. Ensure consistency in decision-making by regulatory authorities

Key Components of the Guidelines

1. **Categorization of Violations:** Clearly define the types of violations that fall under each category (e.g., minor, major, critical)
2. **Description of Violations:** Provide detailed descriptions of each type of violation

3. **Penalty Framework:** Establish a framework for penalties corresponding to each category of violation
4. **Mitigating Factors:** Identify mitigating factors that may influence penalty decisions
5. **Procedures for Enforcement:** Outline procedures for enforcement, including notice periods, hearings, and appeals

However we suggest that sector must be regulated with minimal rules and regulations, and there should be light touch approach for most unintentional errors or omissions. In last decade the sector has faced lots of regulatory and market based challenges, and need some careful approach and special attention.

Q35. Are there any other inputs/ suggestions relevant to the subject? Kindly provide a detailed response with justifications.

Sify Response:

1. **Spectrum Usage Charges:** Introduce a tiered structure for spectrum usage charges, incentivizing efficient usage and investment in spectrum.
2. **Infrastructure Sharing:** Encourage infrastructure sharing among service providers to reduce costs and promote rural connectivity including spectrum.
3. **Regulatory Sandbox:** Create a regulatory sandbox for testing innovative services and technologies, promoting R&D and investment.
4. **Environmental Sustainability:** Encourage service providers to adopt environmentally sustainable practices, reducing the carbon footprint of telecommunication services.
5. **Rural Connectivity:** Introduce initiatives to enhance rural connectivity, addressing the digital divide and promoting inclusive growth.
6. **International Cooperation:** Foster international cooperation and agreements, facilitating global roaming and cross-border services.

These inputs and suggestions aim to promote a conducive regulatory environment, encouraging investment, innovation, and quality services in the telecommunications sector.

Q36. In case it is decided to introduce a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area, what should be the: - (i) Amount of application processing fees (ii) Amount of entry fees (iii) Provisions of bank guarantees (iv) Definitions of GR, ApGR and AGR (v) Rate of authorisation fee (vi) Minimum equity and networth of the Authorised entity Please support your response with proper justification.

Q37. In case it is decided to enhance the scope of Internet Service authorization as indicated in the Q7 above, what should be the: (i) Amount of application processing fees (ii) Amount of entry fees (iii) Provisions of bank guarantees (iv) Definitions of GR, ApGR and AGR (v) Rate of authorisation fee (vi) Minimum equity and networth of the Authorised entity Please support your response with proper justification.

Q38. In case it is decided to merge the scopes of the extant NLD Service authorization and ILD Service authorization into a single authorization namely Long Distance Service authorization under the Telecommunications Act, 2023, what should be the: - (i) Amount of application processing fees (ii) Amount of entry fees (iii) Provisions of bank guarantees (iv) Definitions of GR, ApGR and AGR (v) Rate of authorisation fee (vi) Minimum equity and networth of the Authorised entity Please support your response with proper justification.

Sify Response:

TRAI recommendation of "Rationalisation of entry fee and bank guarantee" dated 19th September 2023 to be implemented.

Q39. In case it is decided to merge the scopes of the extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorization namely Satellite-based Telecommunication Service authorization under the Telecommunications Act, 2023, what should be the: - (i) Amount of application processing fees (ii) Amount of entry fees (iii) Provisions of bank guarantees 124 (iv) Definitions of GR, ApGR and AGR (v) Rate of authorisation fee (vi) Minimum equity and networth of the Authorised entity Please support your response with proper justification.

Sify Response:

No Comments

Q40. In case you are of the opinion that there is a need for clubbing the scopes of some other authorisations into a single authorisation under the Telecommunications Act, 2023 for bringing more efficiency in the operations, what should be the: (i) Amount of application processing fees (ii) Amount of entry fees (iii) Provisions of bank guarantees (iv) Definitions of GR, ApGR and AGR (v) Rate of authorisation fee (vi) Minimum equity and networth of the Authorised entity Please support your response with proper justification.

Sify Response:

No Comments

Q41. In case you are of the opinion there is a need to introduce certain new authorisations or sub-categories of authorisations under the Telecommunications Act, 2023, what should be the: - (i) Amount of application processing fees (ii) Amount of entry fees (iii) Provisions of bank guarantees (iv) Definitions of GR, ApGR and AGR (v) Rate of authorisation fee (vi)

Minimum equity and networth of the Authorised entity Please support your response with proper justification.

Sify Response:

No Comments

Q42. What should be the amount of application processing fees for the various service authorisations including VNOs, other than the merged/clubbed/new service authorisations? Please provide your response for each of the service authorisation separately.

Sify Response:

As Per TRAI Recommendation

Q43. Whether the amount of entry fee and provisions for bank guarantee for various service authorisations including VNOs, other than the merged/clubbed/new service authorisations, should be: i. kept the same as existing for the various service authorisations under the UL/UL(VNO) license ii. kept the same as recommended by the Authority for the various service authorisations under the UL/UL(VNO) license, vide its Recommendations dated 19.09.2023 iii. or some other provisions may be made for the purpose of Entry Fee and Bank Guarantees Please support your response with proper justification separately for each authorisation.

Sify Response:

As per TRAI Recommendation

Q44. Whether there is a need to review any of the other financial conditions for the various service authorisations including VNOs, other than the merged/clubbed/new service authorisations? Please provide your response for each service authorisation separately with detailed justification.

Sify Response:

No Comments

Q45. In case it is decided to merge the scopes of the extant IP-I Registration and the Digital Connectivity Infrastructure Provider (DCIP) authorization into a single authorization under the Telecommunications Act, 2023, what should be the: - i. Amount of application processing fees ii. Amount of entry fees iii. Any other Fees/Charge iv. Minimum equity and networth etc. of the Authorised entity. Please support your response with proper justification

Sify Response:

No Comments

Q46. For MNP license and CMRTS authorisation, should the amount of entry fee and provisions of bank guarantees be: i. kept same as existing for the respective license/authorisation. ii. kept the same as recommended by the

Authority vide its Recommendations dated 19.09.2023 iii. or some other provisions may be made for the purpose of Entry Fee and Bank Guarantees Please support your response with proper justification separately for each authorisation.

Sify Response:

No Comments.

Q47. For other standalone licenses/ registrations/ authorisations/ permissions, should the existing framework for financial conditions be continued? Please provide detailed justification.

Sify Response:

No Comments.

Q48. If answer to question above is no, what should be the new/revised financial requirement viz. bank guarantee/ entry fee/ processing fee/ authorisation fees/ registration fees or any other charge/ fees? Please provide detailed justification in support of your response for each other license/ registration/ authorisation/ permission separately.

Sify Response:

No Comments.

Q49. In case of the merged M2M-WPAN/WLAN service authorisation, what should be the processing fees or any other applicable fees/ charges. Please support your response with proper justification.

Sify Response:

No Comments.

Q50. In the interest of ease of doing business, is there a need to replace the Affidavit to be submitted with quarterly payment of license fee and spectrum usage charges with a Self-Certificate (with similar content)? Please justify your response.

Sify Response:

No Comments

Q51. Is there a need to revise/ modify/simplify any of the existing formats of Statement of Revenue Share and License Fee for each license/authorisation (as detailed at Annexure 3.2)? In case the answer to the question is yes, please provide the list of items to be included or to be deleted from the formats alongwith detailed justification for the inclusion/deletion.

Sify Response:

Yes, revising and simplifying the existing formats for Statement of Revenue Share and License Fee is necessary to ensure clarity, accuracy, and ease of compliance. Here's a list of suggested modifications:

Additions:

1. **Clear definitions:** Include clear definitions of revenue, license fee, and other key terms to avoid ambiguity.
2. **Breakdown of revenue:** Require a detailed breakdown of revenue streams, including separate columns for different services (e.g., voice, data, SMS).
3. **Gross Revenue vs. Adjusted Gross Revenue:** Clarify the distinction between Gross Revenue and Adjusted Gross Revenue, ensuring consistency in calculations.
4. **License fee calculation:** Provide a step-by-step calculation of the license fee, including any applicable deductions or exemptions.
5. **Payment schedule:** Include a payment schedule or due dates for license fees to avoid confusion.

Deletions:

1. **Redundant information:** Remove redundant or unnecessary information, such as duplicate columns or data points.
2. **Complex calculations:** Simplify complex calculations or formulas, replacing them with clear, step-by-step instructions.
3. **Ambiguous terms:** Remove ambiguous terms or phrases that may lead to misinterpretation.

Modifications:

1. **Reorganize columns:** Reorganize columns for better readability and logical flow.
2. **Standardize formatting:** Standardize formatting throughout the statement to ensure consistency.
3. **Clear headings:** Use clear, descriptive headings for each section or column.

By revising and simplifying the existing formats, the Government can ensure that the Statement of Revenue Share and License Fee is a useful tool for effective regulation and compliance monitoring.

Q52. In case of a unified service authorisation for the provision of end-to-end telecommunication services with pan-India service area, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Sify Response:

No Comments.

Q53. In case the scope of Internet Service authorization is enhanced, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Sify Response:

No Comments.

Q54. In case of merged extant NLD Service authorization and ILD Service authorization into a single authorization namely Long Distance Service authorization, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Sify Response:

No Comments

Q55. In case of merged extant GMPCS authorization and Commercial VSAT CUG Service authorization into a single authorization namely Satellite-based Telecommunication Service authorization, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Sify Response:

No Comments.

Q56. In case you have proposed to club the scope of some of other authorizations OR introduce certain new authorisations/ sub-categories of authorisations, what should be the format of Statement of Revenue Share and License Fee for each of these authorisations? Please support your response with justification.

Sify Response:

No Comments.

Q57. Whether there is a need to review/ simplify the norms for the preparation of annual financial statements (that is, the statements of Revenue and License Fee) of the various service authorizations under UL, UL(VNO) and MNP licenses? Please give detailed response with proper justification for each authorization/license separately.

Sify Response:

No Comments

Q58. In case of migration, how the entry fee already paid by the company be calculated/ prescribed for the relevant authorisation(s)? Please provide detailed justification in support of your response.

Sify Response:

No Comments.

Q59. Should the application processing fee be applicable in case of migration. In case the response is yes, what should be amount of application processing fee? Please give reason(s) in support of your answer.

Sify Response:

Application Processing Fee for Migration

In case of migration from a license to an authorization, the application processing fee should not be applicable. Here's why:

Reasons:

1. **Migration is an administrative process:** Migration is a process of transitioning from one regulatory framework to another, rather than a new application for authorization.
2. **No additional regulatory effort:** The regulatory effort required for migration is minimal, as the entity is already authorized to provide telecommunication services.
3. **Avoidance of double charging:** Charging an application processing fee for migration would amount to double charging, as the entity has already paid fees for the initial license.
4. **Encouraging compliance:** Waiving the application processing fee for migration encourages entities to comply with the new regulatory framework, promoting a smooth transition.

By not charging an application processing fee or keeping it nominal, the Government can facilitate a smooth transition for entities migrating from licenses to authorizations, promoting compliance and reducing regulatory burdens.

Q60. What should be terms and conditions of security interest which Government may prescribe? Please provide detailed response.

Sify Response:

For terrestrial services, security requirements must be kept minimal, except allowing only trusted sources equipment. For ILD or gateway authorisation security requirements can be elaborated after having detailed consultation with all stake holders.

Q61. Whether there are any other issues/ suggestions relevant to the fees and charges for the authorisations to provide telecommunication services? The same may be submitted with proper explanation and justification.

Sify Response:

Sify Response:

In addition to the authorisation model, the fees and charges associated with providing telecommunication services warrant consideration. The following issues and suggestions aim to ensure a fair, transparent, and competitive framework:

Issues:

1. **Fees Structure:** The current fee structure may not be aligned with the authorisation model, potentially leading to confusion and inconsistencies.
2. **Lack of Transparency:** The fee determination process may lack transparency, making it challenging for applicants to understand the rationale behind the fees.
3. **High Fees:** Excessive fees can deter new entrants, limit competition, and increase costs for consumers.
4. **Fees for Spectrum Allocation:** The fees for spectrum allocation may not be aligned with international best practices, potentially affecting the overall cost of services.

Suggestions:

1. **Review and Rationalise Fees:** Conduct a comprehensive review of the fees structure to ensure it is aligned with the authorisation model and reflects the actual costs of regulation.
2. **Transparent Fee Determination:** Establish a transparent fee determination process, involving public consultation and clear justification for fees.
3. **Tiered Fee Structure:** Introduce a tiered fee structure, considering factors like revenue, network size, and service type, to promote competition and innovation.
4. **Fees Exemption/Reduction:** Consider exempting or reducing fees for certain types of services, like rural or social services, to promote digital inclusion.
5. **Annual Fee Payment:** Allow authorised entities to pay fees annually, rather than quarterly, to reduce financial burdens and promote cash flow management.
6. **Fee Refund/Credit:** Introduce a fee refund or credit mechanism for authorised entities that surrender their authorisation or return unused spectrum.

By addressing these issues and implementing these suggestions, the fees and charges framework can support the growth and development of the telecommunications sector in India.
