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Subject: Consultation Paper No. 9/2021 on “Ease of Doing Business in Telecom and Broadcasting Sector”

Dear Sir,

Thank you for the opportunity provided to the industry stakeholders to submit feedback on the Ease of Doing Business in the Telecom and Broadcasting Sector.

While responding to this consultation paper one cannot help but look back at a similar consultation process initiated by TRAI in 2017 and realise that many issues and bottlenecks described by the industry still remain after more than four years. In a few cases like SACFA clearance the suggested changes have been actualised and the industry thanks TRAI, DOT and MIB for these measures. It would be a miss to mention that a few changes like having an online interface system have duplicated the efforts of industry stakeholders as the manual process has to be fulfilled in parallel to the newly instated online process.

While India has made reasonable progress in improving its e-Government Development Index (EGDI) from 0.3730 in 2003 to 0.5964 in 2020, we have been consistently below the global average by a substantial margin during this period. The latest EGDI of India is 0.5964, which is far below the international best of 0.9758 and Asia best of 0.9560. In this regard, it is to be noted that the UN e-Government Survey 2016 points out the need for national governments to adopt a Whole-of-Government (WoG) strategy while designing their e-Governance programs in order to bring about digital transformational society.

Any decisions made from an enterprise (Whole-of-Government) perspective will have more significant long-term benefits than those made from an individual department. In this process, some departments may have to concede their own preferences to the greater benefit of the enterprise (Government).

The advent of ICT has led to the recognition of a unique opportunity to redesign government processes to provide better services and reliable information to citizens and businesses and to improve efficiency and effectiveness within government institutions. The success of such an exercise to this end depends on removing redundant processes and introducing new or modified processes that overcome past inefficiencies, and optimally use latest digital technologies. This also means ensuring the availability of multiple broadband access technologies throughout the country for citizens to access the Government portal.

With a vision “to establish best-in-class architectural governance, processes and practices with optimal utilisation of ICT infrastructure and applications to offer ONE Government experience to the citizens and businesses”, the Government of India has notified¹ the India Enterprise Architecture Framework (IndEA) as a national standard on 9th Oct 2018, for adoption by Ministries and Departments of Central and State government

Enriched by experiences and learnings from preceding initiatives, and subjected to multiple rounds of closed and open reviews, the standard is generic to government entities, which can be used for any sector, ecosystem or level of government. The Part 1 IndEA Framework² and Part 2 IndEA Adoption Guide³ is freely accessible at the Ministry of Electronics and Information Technology portal⁴.

Against this backdrop, we thank TRAI again for bringing out the much-needed consultation on the Ease of doing business in the Telecom and Broadcasting sector that seeks a holistic review of the current bottlenecks to improve inter-ministerial coordination, and to streamline various compliances related to these sectors. The foundational aspects of our response are

1. Information requirements for each process be rationalized and clear.
2. Minimizing the duplicative efforts by capturing the data only once in the system, capturing only the incremental data as and when required in the business process and auto-populating of the existing data, with due validations as required.
3. Create a Fully integrated online single-window clearance system with single point of contact that exercises coordination among other Government departments;
4. Eliminate redundancies, overlaps and processes that are common between departments.
5. Information uploaded by the business on the online application portal be considered by the individual department without submitting separate email/physical submissions.

¹ <https://nicea.nic.in/download-files.php?nid=186>

² <http://egovstandards.gov.in/sites/default/files/IndEA%20Framework%201.0.pdf>

³ http://egovstandards.gov.in/sites/default/files/IndEA%20Adoption%20Guide%201.0_0.pdf

⁴ This was also [presented during the Azaadi Ka Digital Mahotsav during Nov-Dec 2021](#)

6. Time bound SLAs towards each activity, function, process that needs to be completed within stipulated timeframes and default to deemed approvals beyond these timelines.
7. For businesses '*seeking prior permissions*' in most cases should be substituted with '*giving prior intimations*'.
8. A one-time clearance given to the business should suffice as long as there is no change of ownership.
9. There could be a distinction between a new business entity and an existing business entity while considering all the above factors.

We also believe that this TRAI consultation process will lend itself to align with the broader economic objectives of the Government of India such as increasing FDI attractiveness, promoting ease of doing business and realising the vision of Digital India.

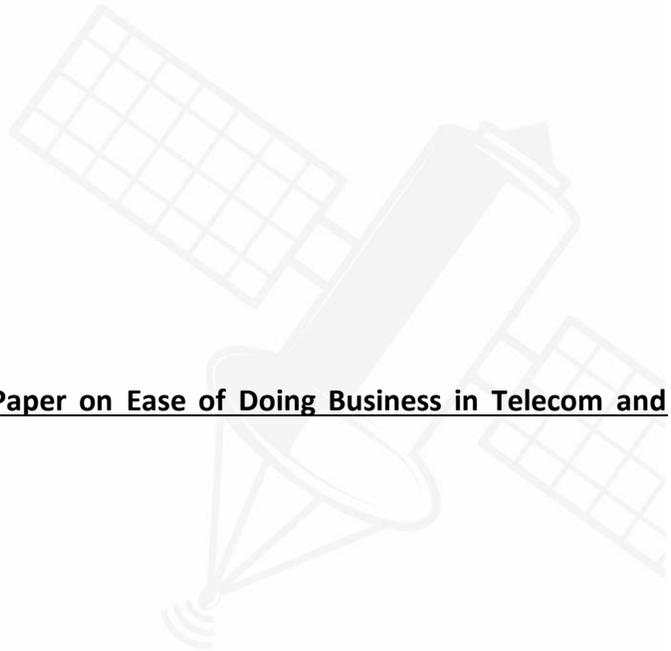
At SIA-India, as a vibrant body for the satellite communications ecosystem, we aim to present the industry's interest to the Government, Regulators, Policy makers and domestic & international standard bodies for policymaking, regulatory and licensing matters. We are happy to provide any further clarifications that may be required.

Respectfully



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Encl. SIA-India Comments - Consultation Paper on Ease of Doing Business in Telecom and Broadcasting Sector



SIA-INDIA RESPONSE TO TRAI ISSUES FOR CONSULTATION

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

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

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

Use of Available Satellite capacity

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

Single Window Clearance System

- MIB should institutionalize a fully integrated online single-window clearance mechanism/process for grant of permissions/approvals in a time-bound manner. Presently the entire process is long with uncertain timelines. The single-window clearance system should be truly effective and meaningful wherein all relevant

documents and fees can be uploaded with easy approval routes with the permissions issued online in a time-bound manner.

- The single window facility should be a one-stop solution for all approvals and permission and should be seamlessly integrated across various ministries/departments with the end-to-end online system. The entire approval process involves approvals of multiple sets of ministries and departments other than MIB, such as Ministry of Home Affairs (“MHA”), Department of Space (“DoS”), empanelled auditors of Ministry of Information & Broadcasting (“MIB”), Ministry of Corporate Affairs (“MCA”), Ministry of Finance (“MoF”) Wireless Planning & Coordination Wing (“WPC”) and Network Operations and Control Center (“NOCC”).
- The delay caused by approvals required from multiple ministries derails business planning and unnecessary payment to satellite operators that may often be valuable forex. The entire process should be time-bound so that satellite TV businesses can take time-sensitive decisions.

Broadcast Seva Portal

- Though the Ministry has taken steps such as introducing “The Broadcast Seva” portal, the implementation and effective use is awaited eagerly by the sector. In the past few weeks multiple attempts to log in to the Broadcast Seva portal were unsuccessful as the site could not be reached.
- In its current form, the Broadcast Seva portal doesn’t serve as a single-window clearance system, does not support tracking of status of application and has no clear timelines defined.
- The Broadcast Seva portal allows the broadcasters to submit various applications and documents such as affidavits and undertakings, still requires them to be submitted in original hard copies. This defeats the entire purpose behind the ease of doing business as despite online submissions, physical submission of certain documents is still required for processing the application.
- It is recommended that digital signatures be accepted and accordingly, any document bearing digital signatures be allowed to be submitted online.

Substitute ‘seeking prior permissions’ with ‘giving prior intimations’ in most cases where possible

- The requirement of seeking prior permissions in most of the cases should be substituted with giving prior intimations by the broadcasters including permissions for change of name and logo of the channel, temporary up-linking etc.

- In case of a change in name and logo of a channel where there are technical changes involved then the said changes along with the change in name and logo of a channel should also be applied online. Requisite permissions should be issued by MIB, DOS and DOT (WPC and NOCC) online within a fixed time frame
- In the case of only change of name and logo the endorsement by WPC/NOCC should be done away with and instead a process of mere “intimation” should be introduced as WPC/NOCC require updating of records at their respective ends. Once MIB acknowledges the change, the endorsement of WPC and NOCC of such change on the license of the teleport operator should only be for record keeping purposes.

MHA Clearance

- Broadcasters already holding existing uplink and downlink permissions of TV channels should not require security clearance from the Ministry of Home Affairs (MHA) every time they make an application for new channels/renewals. A one-time clearance given to the broadcaster should suffice as long as there is no change of ownership.
- The requirement of obtaining prior approval of MHA in case of appointment of Director by company’s overlaps with the compliance requirement mentioned under Companies Act and should be deleted. Instead, it should be clarified that channel permission once obtained shall be valid for a few years viz., ten years instead of yearly renewal. Additionally, security clearance once granted should be valid till the operational existence of the broadcaster, irrespective of the number of applications for new channels/renewals submitted by the broadcaster.

Facilitating Mergers and Acquisitions

- To facilitate M&A, there should be a time-bound transfer of licences and acquisition via slump sale. Acquisition via National Company Law Appellate Tribunal (“NCLT”) sanctioned mergers or demergers should not require further permission from MIB as long as the resultant or transferee company is already a licensee under the Guidelines.
- In case of transfer of business or undertaking in whole or part by way of a slump sale or an asset transfer, if both the transferor company and the transferee company are holders of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, the Ministry should grant approval within a stipulated period of 15/30 days’ subject to the transferee company meeting the net worth criteria.
- In so far as the transferee company is not a holder of permission for up-linking of a TV channel under up-linking guidelines, and downlinking guidelines, The Ministry should make its representation to the proposal for a merger, demerger, etc. within the time stipulated under the provisions of Section 230 of the Companies Act, 2013. Else it

should be presumed that the proposal is approved subject to security clearance and net worth criteria being met

Temporary Unlinking process for sporting events

- The sports broadcast business is primarily based upon making available live sports events. Presently, sports channels are treated as “non-news and current affairs” channels for the purpose of licensing by MIB and hence have to seek temporary permission for live uplink like any other channel in this category.
- MIB should consider permitting the issuance of short term/ temporary channel licenses, specifically to cater for the need of broadcasting multiple feeds of the same live event (such as a sporting event and entertainment events in various languages) and also to assure audiences regarding the availability of overlapping live events (including events of national importance).
- The processing fee per channel per day for temporary uplink charged by MIB for a live event should be done away with. MIB vide order dated December 13, 2017 has introduced a processing fee per channel per day for the temporary uplink of a live event of Rs 50,000 for Regional channels and Rs 1,00,000 for National Channels. As Sports channels usually consist of live sporting events and cater to various regions, the amount being paid by broadcasters towards temporary uplinking fees is mammoth which runs into 4-5 crore per sporting event. The broadcaster pay charges of frequency allocation in WPC and monitoring charges by NOCC, through the teleport operators who in turn charge the broadcasters. This is a deterrent to development of the sports in India.
- A separate permission should be issued for sports channels, by which such sports channels (having majority of the content as live sports) can up-link from any location in India at any point of time without the need to seek individual permissions for every single match and venue. This would bring them at par with the “news and current affairs channels” as both are engaged primarily in live broadcasts.
- In the present regime the broadcasters are forced to get prior approval from three different bodies, MIB, WPC and NOCC even for minor changes. Such a mechanism does not encourage world-class entertainment events or sporting events to be live broadcast by Indian channels.
- Sports broadcasters should be allowed to broadcast live sporting events by way of a self-declaration stating that it will only live up-linking sporting events and no news or news-related content shall be carried on such feed.
- Applicants should merely intimate and get the approval of the MIB within a prescribed time limit by giving macro details of the event which include, name of the tournament and teams involved, start and end date, details of the venue etc. and a self-declaration that the live feed will only consist of sporting or general entertainment events. Within

the total approved calendar schedule if there is any last-minute change (due to unavoidable reasons like rain, law and order etc.), the sports broadcaster should merely be asked to intimate rather than wait for last-minute amendment and approval.

- Sports broadcasters should be permitted to seek temporary up-linking permission for their entire annual calendar of sporting events in one go.
- A broadcaster should be allowed to use single frequency in “Multi-Channel per Carrier” (“MCPC”) mode for sending more than one contribution feed from the venue. This will help better utilization of the bandwidth and allow advanced technology of multiple camera feeds etc. to be provided to the viewers by the broadcaster.
- Also, in order to support varying business needs and consumer experience, MIB should consider permitting the issuance of short term / temporary channel licenses, specifically to cater for the need of broadcasting multiple feeds of the same live event (such as a sporting event in various languages) as well as assuring audiences the availability of overlapping live events (including events of national importance).

Payment of annual renewal fees

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

Clarification on non-applicability of DoS approval

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

Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the

point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

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

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

- a) DoT has successfully implemented a portal (saralsanchar.gov.in) that takes care of application and grant of registrations/authorisations & licenses. However, based on Table 3.1. of the Consultation it is visible that not all licenses are included in the SaralSanchar online system. It is recommended that other approvals, like the Captive VSAT CUG license and the IFMC authorization, should also be incorporated in the online portal. Moving the application procedure online, will diminish costs of the physical licensing procedure and regulatory burdens, making licensing more efficient.

The online system for approvals should comprise the following:

- Application forms filled online and saved automatically.
 - Option for applicant to download the application form in progress.
 - The ability for the applicant to track progress of the application review online.
 - Availability of final permission/license in a downloadable form to the applicant.
 - TSPs should not be required to re-submit the application file separately in any other forms such as in hard copy or through email.
- c) SIA-India notes that Sections 3.30 and 3.29 of the Consultation do not provide a timeframe for delivery of a decision of an application for VSAT captive and IFMC authorizations. Specific regulatory timelines are required for the transparency of the approval procedure and for the applicant to be able to plan the business operations. We recommend that for both the VSAT captive and IFMC authorizations, the applicant company shall be informed of the approval or rejection of the application within 30 days of submission of the application, as it is the case for the UL approval.

d) As TRAI notes in Section 3.80 of the Consultation, there is a need for a specific query system in place, where TSPs could request information on the licensing system and regulatory requirements for the approvals. This essential where IoT and M2M communications with multiple operators with innovative business models may need to approach for a licence. When the queries come from prospective licensees, there is a need to have an exclusive unit or some mechanism in DoT to answer such queries of the inquiring entities which may be termed as Licensing-related queries. We have the following proposals for the query system:

- The query system could be online, or through a specific email where the applicants could address their queries.
- There should be a specific timeline to answer the query, for instance 15 working days from submission of the query.

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

No Comments from SIA-India

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

No Comments from SIA-India

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

- a) What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?
- b) What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?

No Comments from SIA-India

Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:

- a) In-transit permits
- b) Pre-repair permits
- c) Post-repair permits

Provide your suggestions for each activity separately.

No Comments from SIA-India

Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:

- a) Relevance of EMF radiation audit and its impact for quick roll out of the network
- b) Measures to safeguard public interest and building confidence in public against propaganda of hazardous EMF radiations in field
- c) Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.

No Comments from SIA-India

Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.

No Comments from SIA-India

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

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

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

- A single-window system is desirable for all the processes/approvals pertaining to satellite provided by DoT Satellite Cell, WPC & NOCC. The Saral Sanchar in itself can act as the single-window and can track/present the status of each step in the approval process. All applications & approvals can be unified using the Saral Sanchar website.
- As per Section 3.88 of the Consultation, the WPC approval process requires a Letter of Intent before the grant of the final WPC License (WOL). It is recommended that a straightforward approval process is used, where no letter of intent is required prior to the approval and the process should be done online.
- The issuance of a DL takes a huge amount of time. The delays in the issuance of DL severely impacts both the initial setting up of a network and also every augmentation of bandwidth by the service provider. DoS begins to charge the service provider from the date of allocation of capacity. This further puts a severe financial stress on the service provider. There are several reasons for delays in the issuance of the same. They are
 - **Lack of delegation** - Every Decision Letter (DL) file (especially when new spectrum is being assigned) is routed through various levels and this takes a lot of time. As the satellite spectrum is a shared spectrum and not exclusively assigned, the assignment of the same can be suitably delegated. In addition to this, each DL application is invariably routed through finance (LFP/LFA/WPF) for making sure that the service provider has made all requisite payments. This adds significant time to the process and can be eliminated by these agencies issuing a negative list of defaulters and the same can be taken into account by WPC at the time of issuance of approvals. It is pertinent to say that for better delegation and accountability, each stage of approval should be provided with

a clear SoP and checklist of what needs to be checked. This will give a clear guideline to each approver.

- **Carrier by Carrier assignment instead of block assignment** - The decision letter is a decision to assign spectrum. In the case of satellite spectrum, the satellite is operating in a band and frequency as defined in the National Frequency Allocation Plan. If any satellite does not adhere to this plan, DOS does not permit the satellite operation in the country. WPC assigns the spectrum to earth stations, which is nothing but a “right-to-use” spectrum to access the satellite. Such spectrum assignment is internationally done as a block and not carrier by carrier. WPC should issue the DL confirming the block assignment and also endorse the carrier plan approval provided by NOCC. There is no requirement for WPC to do a carrier by carrier assignment defining the EIRP and other parameters on a per carrier basis.
- **Channel by Channel Assignment:** Introduction of new technologies and the digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels.
- **Window Open/Window Close system** - Currently the administrative assignment of spectrum for satellite is done on an ad hoc basis with the approval of the Hon’ble Minister of Communications. This approval is provided for a period not exceeding six months. Once this approval expires, WPC again initiates for an ad hoc approval and this takes time. This causes delays in the entire process of assignment of spectrum. In many cases, the ad hoc approval takes a significant amount of time and causes uncertainty for the service providers and their customers. This method of assignment of spectrum should be done away with and a firm policy on the administrative assignment of spectrum should be adopted.
- **SACFA** - The simplification of the SACFA process recently announced, should cover the Hub/Gateway antennas as well. It should be a deemed approval at the end of thirty days.
 - In the case of LEO constellations, since the gateways have a large number of antennas, these antennas need to be considered as a single antenna for the

purpose of SACFA. Else, the time taken and the cost for the approvals will be enormous and will delay the commissioning of such gateways.

- **WOL** - The issuance of the WOL as a process is not covered by the portal today. This also needs to be brought under the ambit of the Saral Sanchar portal.
- **Parallel processing of DL & SACFA applications** - Since the frequency of operation and operating power levels etc. are known (from NOCC approved link budget), DL & SACFA can be applied for in parallel and can be issued also in parallel. This will reduce the overall time taken and make the process parallel instead of being sequential.
- **Approvals for VSATs** - As far as the VSAT sites are concerned, recently as a part of the Telecom Reforms, simplification has been done. This is a welcome step. However, after obtaining SACFA clearance for VSAT sites, service providers are mandated to separately apply for WOL. This step is neither done through an online portal nor simplified. **The step of issuance of WOLs site by site should be done away with for VSATs.** The step of SACFA approval itself should include the WOL as well. The removal of WOL has been successfully implemented for mobile towers vide circular No. 20-271/2010-AS-I Vol.-II dated 2nd November, 2016 issued by the Access Division. The same needs to be implemented for VSATs too.
- **Approvals for FMC Terminals** - In the case of FMC terminals, there is no SACFA that is applicable. The process of issuance of WOL can be simplified and can be converted into a self-certified information rather than an approval.
- **Broadcaster Specific Approvals:**
 - Provision for a single annual application to WPC/ NOCC for the entire duration of a year or the relevant period, in case of broadcasters with an advance calendar of live entertainment, sporting and non-news events for a year. Provided that, following long-term/annual approval, a separate notification shall be sent to the WPC/ NOCC of transponder capacity use.
 - The process of applying for MIB Permission for events should be made an Online 24x7 system, for new permissions and for amendments. There should be single-window clearance system in MIB, WPC & NOCC regarding application & approval of temporary events. At the moment it is a very cumbersome process of coordinating between three departments / ministries to get permission for temporary live telecast of any event.
 - WPC Fee should be based on an event basis and should not be based on the frequencies to be used in the event. For example:- for 21 days falling under 2 or 3 months period attracts 3 months WPC fee subjected for single frequency spot

but if the consistent frequency is not available then per frequency fee is multiplied. For 3 months period if we use three different frequency slots (as consistent frequency for longer duration becomes very tough to get), WPC fee becomes 9 times (3 x 3 months) and this is a serious pinching point for broadcaster.

- For temporary live uplinking services such as Sports, Corporate events, etc. that require the use of DSNG vans/terminals the WPC Wing should charge on hourly or daily basis rather than for a whole month, which is presently followed. As an example If any temporary event is there for 3 days using 9 MHz satellite BW on any of the Indian satellites, say, 30th March to 1st April, then WPC Wing will be charging spectrum royalty for minimum for 2 months, i.e. for 60 days viz. whereas the event is only for 3 Days
- Recently, the Telecommunication Engineering Centre (TEC) released its “STANDARD FOR INTERFACE REQUIREMENTS TEC 42012:2021” that removed the restriction on bit rate that can be used per HD channel and SD channels. Additionally, there are no standards set by ITU or DVB w.r.t a particular bit rate that must be used for the broadcast of TV signals over satellite. Since the limit on bitrate has been removed by TEC, the same should be acknowledged and recognized by WPC so that broadcasters are allowed to use a data rate that best suits the requirement within the approved satellite capacity.
- **Additional Issues:**
 - Mostly in all the countries, the Regulator only charges nominal License fees for administrative purposes. NO separate Spectrum charges or any satellite monitoring charges (such as NOCC fees) is charged. Only a single fee, as charge by the satellite service provider is being paid globally along-with the nominal license fees for administrative purposes.
 - These processes, at least a major part, not only apply to a newly setup gateway/hub, but also for any additional capacity a service provider might take from DoS subsequently.
 - As indicated in the Consultation Paper, if there are well defined timelines for each of the steps above as per the Citizen Charter, the same are not adhered to. Wherever possible deemed approvals should be implemented to meet the timelines stipulated. **At the end of the timelines stipulated (or on a deemed basis), approvals should be available in the portal to download. Paper approvals should be eliminated.**

Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:

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

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

- NOCC provides two types of approvals
 - Carrier plan approvals
 - Conducts Mandatory Performance Verification Testing of antennas
 - Uplink permission
- In our opinion, both of these steps are very valuable for the performance of a satellite network. Carrier plan approvals ensure that there is strict adherence to the IR document issued by TEC and also ensure that the carrier parameters adhere to the various operating specifications of the space segment. Globally, this role is played by the satellite operators themselves. There is no single agency that approves carrier plans.
- As on date, the NOCC approvals are not online. They need to be integrated into the Saral Sanchar and MIB portal. However, the approvals provided by NOCC are time bound. The main reason for this is that the process is well defined and rightly delegated.
- Even though WPC and NOCC belong to the Department of Telecommunication, the endorsement/approval happen one after the other leading to a delay in getting required approvals within a stipulated timeline. Operators are asked to pay Bandwidth/Frequency allocation and monitoring charges separately. This entire process needs restructuring and rationalization.
- As per Section 3.99 of the Consultation, an operator licensed by the DoT to operate a satellite network system, has to submit the details about the network and Earth station. Currently, this process is not done through an online system. It is proposed that

information about the network and earth station should be provided during the licensing process and not as a step following the approval. Moreover, the provision of such information could be implemented online through an online portal.

- Introduction of new technologies and digitalization of uplink process has allowed multiple channels to be carried on a single frequency. Consequently, if WPC and NOCC permissions have been given for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels.
- In case WPC and NOCC permissions have been issued for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate a fresh WPC and NOCC permissions. A mere intimation should be given to the WPC and the NOCC in respect of such additional channels.
- The process of issuance of Uplink permissions should be done away with. The WOL issued by WPC should be considered as the final step for uplinking.

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

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

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

- As far as satellite communication goes, TEC plays two important roles
 - Publishing of IR documents that defines the various specifications
 - Mandatory Testing & Certification of Telecom Equipment (MTCTE)

- Both these roles are rightly presented online through a well-defined portal. For the IR document, the stakeholder consultation happens offline and the same can be made online so that the comments provided by various stakeholders are transparently made available to everybody (similar to what TRAI does)
- As far as MTCTE is concerned, the volume of gateway and terminal deployment in the satellite industry do not justify/warrant in-country testing of the products. The specifications for both EMI/EMC and the Essential Requirements mirror various international specifications for the products. Testing and certification by accredited international agencies should be considered until a time the domestic volumes/manufacturing reaches adequate levels to justify in-country testing.

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

- We agree that multiple certification requirements to be avoided as much as possible and that a simple procedure comprising simplified equipment certification should be applicable. Moreover, a single authority should undertake all the relevant certification and standards review.
- TEC MTCTE - Environmental & Specifications testing - This is not duplicated in any other testing except that this is tested by the manufacturer of equipment through internationally accredited labs and the same should be accepted by TEC
- NCCS - The security parameters are not yet defined. However, it needs to be ensured that there is no overlap with the testing/certification by National Security Directive on the Telecom Sector (NSDTS)
- BIS - Testing and certification of COTS IT equipment. Since many of the hub/gateway components are constructed using industry standard IT equipment, any equipment that is approved by BIS should not be put through any additional testing/certification as far as MTCTE is concerned.

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

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

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

Permission and Approval processes

- For any new network – in terms of new baseband, new service, new teleport, new satellite, new network etc. the service provider needs to apply to DoT for an Apex Committee Approval. The Apex Committee has representatives from across DOT, DOS, DGCA, Prasar Bharti, MOD, etc. Ideally if all agencies are involved at this point, all the steps beyond this point should become redundant from a permission/approval standpoint, and should be merely an exercise to capture the necessary details at each step.
- All Satellite communication licensees, be it VSAT service providers, GMPCS, IFMC, DTH operators, HITS operators, MSOs etc, need to engage with Department of Space for business operations. Application for Satellite Capacity through the INSAT Capacity Request Form (ICRF) is required to be submitted and the process is not online. There should be online filing of application for INSAT capacity reservation / allocation for these services i.e. Teleport / TV uplinking, SNG/DSNG & VSAT. All applications must move electronically as transactions and all approvals accorded online with intimation to applicants.
- Any filing of ICRF needs to be accompanied by a security deposit (ICRD) - This deposit is a financial burden on the service providers (especially the smaller service providers). This should be done away with.
- DoS provides allocation of capacity & frequency spectrum by way of an 'Allocation Letter', that is provided after the satellite is duly coordinated in consultation with WPC. Thereafter, additional clearances happen at WPC and NOCC as highlighted in response to Q9. To encourage service providers to use Indian satellites, charging of capacity should start only from the day when all the regulatory approvals are obtained. DoS being one arm of the Government cannot charge for capacity when another arm (DoT) is yet to provide approvals. While a ninety-day waiver mechanism was introduced, this

mechanism is flawed as it expects the service provider to obtain approvals within ninety days, which is not feasible due to the inordinate delays in the provision of approvals by WPC.

- Several of these approvals are needed each time new capacity is added on the network, even though it is on the same satellite and the same network. SIA-India supports TRAI's statement in Section 4.7 of the Consultation to allow a shared spectrum assignment to take place on a full-band basis and not be restricted to frequency spots to simplify the process of such assignment and administration. This will obviate the need for the TSPs to revert to the WPC for each additional frequency in case of network expansion.

Open Sky Policy for Enhanced and Efficient Satellite Capacity Utilisation

- On various occasions, the scarcity of satellite capacity has been highlighted, and many of the Indian satellite services licensees use foreign satellites in addition to INSAT/GSAT satellites. Foreign satellite operators, hampered by the lack of long-term visibility, do not proactively plan and deploy satellites to meet the full needs of Indian markets.
- Mandatory up-linking from India to Indian Satellite may cause scarcity of transponders and restrict growth of the satellite communications sector. Furthermore, Indian satellites are not well equipped to provide replacements or backups in cases of technical glitches.
- Given ISRO's current and planned satellites, foreign satellites in Indian skies are now a fact of life. It is thus vital for India to make better and more cost-effective use of the permanence of foreign satellites. Ideally there should be open sky policy for all the satellite capacity requirements for India.

Flexibility to be extended to service providers

- Ideally the Satellite Bandwidth (BW) should be preapproved, when leased out to the users, i.e. when DOS allocates any satellite BW to the users, the said BW should be preapproved by the various agencies such as MIB, NOCC, WPC etc. so that the user can use the BW immediately after the allocation. This will ensure faster / efficient utilization (of bandwidth) and avoid undue payments that start becoming due soon after allocation by ISRO.
- Satellite operations require significant upfront investment during the build and launch phase. Of the total lifetime cost of a satellite during the 15 years of its useful life, approximately 90% (satellite manufacture, satellite launch and launch insurance) is incurred before it becomes operational. While in India, telecom spectrum contracts are awarded for 20 years and FM radio spectrum is allocated for a period of 15 years, ISRO awards satellite transponders capacity agreements for just one to three years.

- It is recommended that the validity of the permission/approval issued by DoS for use of satellite and transponder be same as the uplink and downlink permission for TV channel issued by MIB or validity of satellite communications service license by DOT. The Uplink Downlink permission issued by MIB is valid for a period of 10 years whereas the validity of the DoS permission/approval is valid for 3 years.
- Forex Remittance authorizations could be made available for the entire period of the contract between the approved Satellite Service Provider and the Broadcasters. The requirement of periodic MIB approval should be done away with since such payments are current account payments made in the normal course of business. The contract between the Broadcaster and the Satellite Provider is anyway submitted to the MIB as part of the original application from the Broadcaster.
- RBI has already given general permission for payments to foreign satellites for uplinking services subject to MIB approval. The Broadcasters could continue to file the details of the foreign remittances made for transponder charges on a yearly basis.
- The satellites have a definite life after expiry of which the satellite operator provides a fall back / replacement satellite on the same location or co-located orbital position. It is therefore recommended that the fall back / replacement satellite on the same / co-located orbital position should have an automatic approval from all regulatory authorities to provide a smooth and uninterrupted services to broadcasters.
- Once a satellite has been given NoC by ISRO, any additional capacity augmentation on the same satellite should not again require a NoC from ISRO and should be approved at DOT/MIB itself without again being referred to ISRO.
- If a satellite is replaced by ISRO due to end of life or other reasons, the Teleport approvals on the satellite should automatically get transferred to the new satellite, without users having to make a fresh teleport application to the new satellite.
- If a broadcaster(s) shifts their set of channel(s) from one approved teleport in one city to another approved teleport in another city of already on-air channel(s) MIB should not refer the application to DOS – provided there is no change in satellite/transponder; bandwidth/frequency allocation and no other amendments in the uplinking and downlinking permissions. The issue primarily pertains to SACFA clearance from WPC only.

Co-ordination between multiple approval agencies

- Foreign satellites are permitted to provide services only after the same have been coordinated with ISRO. MIB/DOT could thus obtain list of such Foreign Satellites from DoS that are approved/coordinated with ISRO, and the list of such Foreign Satellites could be made available on their website and any application on these satellites should have automatic approvals. Businesses could then be aware on the list of permitted

Foreign Satellites, and avail services only from such permitted Foreign Satellites without going for further approvals to DoS.

- The specific frequency on which the channel is to be uplinked is in any event filed and approved by the WPC. This could facilitate Nodal Ministry's process for approving new licensees, wherein they could refer to such list of Foreign Satellites for every new applicant rather than sending the files to DOS each time.
- Only the satellites not coordinated should be referred to DOS/ISRO for their comments and/or approval.
- The Services operators (VSAT, Broadcast Channels etc.) should be free to sign up with the satellite provider once the application has been approved, so that there are no undue payments needing to be maintained to foreign satellite companies for periods up to a year, without being able to commence services.
- All existing satellites that are currently being operated by DoS need to be immediately transferred to NSIL (a CPSE) and NSIL should be able to offer the capacity at market determined capacity rates.

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

Please refer to response to Q 13 given above

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

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

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

No Comments from SIA-India

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

No Comments from SIA-India

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

No Comments from SIA-India

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

No Comments from SIA-India

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

No Comments from SIA-India

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

No Comments from SIA-India

Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.

- TRAI's portal should be equipped with Artificial Intelligence tools to make the entire process faster and ease submission of correct and accurate information without fewer typographical errors.
- Currently, Service providers face multiple issues such as screen freeze in case any new functionality is added, inability to upload documents, absence of editable option, while uploading the information sought by TRAI while submitting information on the TRAI portal making the entire process cumbersome and against the spirit of ease of doing business.
- It is submitted that the information uploaded by service provider on the TRAI portal be considered by TRAI. Any duplication of submissions (i.e. uploading of information on the website as well as separate submission by way of emails/physical communications) make the entire process burdensome.
- Additionally it is suggested that the TRAI portal should have the ability to extract data from the Microsoft excel file and be uploaded under relevant heads on the portal.

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

No Comments from SIA-India

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

No Comments from SIA-India

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

No Comments from SIA-India

