
EASE OF DOING BUSINESS IN THE TELECOM INDUSTRY: TRAI RECOMMENDATION AND SUGGESTIVE EXPECTATIONS

Dibya Prakash Lahiri

Telecommunication Professional in the field of Regulatory and Policy Making

ABSTRACT

Government of India has been constantly promoting the idea of making India a hub of Business trades for a better and affirmative action around the world. Substantially making policies that pertain to develop a niche which makes it suitable for the business institutions to make a positioning which helps them in running the business comprehensively in the country. The premier institutionalised aim of the Government was to provide for a situation where the aim is to improve the working for the critical infrastructure. To institutionalise the same, Telecom Regulatory Authority of India initiated a Consultation paper on Ease of Doing Business which laid down the pathway for various stakeholders to come about in giving their opinion to further enunciate solutions which will enhance the opinions on the same. The paper discusses on the several questions that were initiated by the authority for the stakeholders. After several comments and Open House Discussion (OHD), TRAI released Recommendation on the Ease of Doing Business on 2nd May 2023 which dwelled upon resolving several issues and creating an enhanced structure which would be benefitting the market at large. The paper also diverges from the issues towards the Recommendations initiated and tries to cater to suggest further improvements that can be adopted in the daily practices. The paper concludes with the remark on a positive note for a brighter prospect.

INTRODUCTION AND BACKGROUND

Ease of Doing Business (EoDB) has played an important role in improving the functioning and Governance of the Government towards the industry. To improve EoDB in the Telecommunication sector, the Telecom Regulatory Authority of India introduced a Consultation Paper dated 8th December 2021 to cater to certain important issues that affected the Telecom and Broadcasting sector. Some of the issues are as follows:

1. Grant of Permissions by DoT

- a.** The FDI compliance presently being submitted offline which can lead to duplication of documents and delay in obtaining clearance.
- b.** Multiple portals for rollout-obligation process made it difficult to comply with on end-to-end services.
- c.** The excess of security at every stage for the purpose of maintaining command logs and supply chain documents mentioned in the Unified License Agreement makes the process lengthy and time consuming.

2. UL Internet Service Provider (ISP) License

- a. The filing of quarterly report of ISP nodes and seeking prior approval for every node is making it impractical based on the pace and growth present in the industry.
- b. The websites that are to be blocked by the ISPs need to be put out on a single window portal to reduce the time-consuming process of constantly waiting for circulars or notifications being made by the DoT.
- c. Category B and C ISPs have lesser manpower and financial ability in comparison to category A ISPs which have more manpower and resources. The compliance reporting for the three category is on the same level.
- d. The need to grant the “Critical and Essential Service” category to the cable landing stations (CLS) which will enhance the Submarine cable infrastructure.
- e. The obtaining of approval for Cable laying service delays the approval including possibilities of duplication which may affect the pace at which the growth of the segment is expected.
- f. The process of Simplification of Deduction Verification Process is a cumbersome process as well as time consuming.
- g. The process of obtaining approval from WPC, NOCC, DOS and SACFA have been offline as well as the process is heavily time consuming and confusing for the Telecom Service Providers (TSPs).

3. Grants of permission by DoT with DOS

- a. The lack of unified digital platform that would help in dealing with end-to-end process that would fully be functional of for all services.
- b. Lack of transparency in stage-wise application process to the applicant.
- c. Lack of clarity in the stage wise timelines for registration under Compulsory Registration Scheme.

4. The requisite measures required to be taken to promote small and medium telecom infrastructure.

- a. TRAI sought for such information which would provide for a medium by which the Small and Medium Enterprises could come at par with the leaders of the market.
- b. The authority seeks to provide for improving the measurement tactics that would help in reducing the pressure or burden via Bank Guarantee or any low tactical structures.

5. Measures to be taken to improve the possibilities of Exploration in the field of Telecommunication Sector.

- a. TRAI sought for several by which the potential investors in the field of Telecommunication can be attracted in the country as well as help in creating a structure that provides to change the necessary prejudice which acts as a barrier to the industry.
- b. The authority also sought for suggestions which can be implemented to do away with any issues that act as a hindrance to the investors of the market.

6. Changes required to improve the present system of granting permission to the licensees in Ease of Doing Business.

- a. NOCC grants two important structures which include In-principle approval for frequency/carrier plan and Mandatory Performance Verification Testing (MPVT) which require an important component of approving the structural reform in the country.
- b. The amount is paid through Bharatkosh Server.

To address the issue, through the consultation paper, the various stakeholders gave their opinion along with the solutions to what they intended or expected as change that can help in both catering to improve the EoDB in the Telecom Industry. After looking at the comments and holding discussions, TRAI released its Recommendation on Ease of doing business dated 2nd May 2023 to suggest upon the issues that were raised in the Consultation paper.

RECOMMENDATIONS MADE BY TRAI:

1. Single Window System:

- a. The main purpose for the establishment of a Single Window System to reduce time consumption create a single digital platform that helps in obtaining clearances and permission to carry out business operations.
- b. TRAI after deliberating with the stake holders recommended the following:
 - i. Adoption of user-friendly, transparent and responsive digital window system.
 - ii. Establishment of an EoDB committee in each Ministry to regularly review, simply and update the existing process to ensure smoother EoDB for the industries.

2. UL Internet Service Provider (ISP) License

- a. TRAI recommends for the periodicity of the submission of ISP nodes or Points of Presence (POP) to be submitted annually instead of quarterly submission.
- b. TRAI also recommends for just an intimation to the DoT for installation of a new ISP node should be sufficing.

- c. To tackle with the website blocking, TRAI recommends for putting out the name of the websites to be blocked by ISPs on single a portal from where they can download the websites from time to time.
- d. To tackle with the issue of ISPs compliance reporting, TRAI recommends DoT to review and create an easy-to-use module in the portal and reduced compliance burden for Category-C under UL and UL/VNO service.
- e. TRAI recommends that Submarine cable Stations laying in Indian Territorial Waters and EEZ to be granted “Critical and Essential Service” category along with giving it a top priority when needed to provide approvals.
- f. To seek permission of laying, operations and maintenance of submarine cable, TRAI recommends that all of the process should be made online as a part of the Saral Sanchar Portal. The timeline for clearance must be mentioned.
- g. To deal with the Simplification of Deduction Verification Process should be replaced with sample base deduction verification based on appropriate scientific statistical model.
- h. TRAI recommends that apart from making the process of obtaining approval from WPC, NOCC, DOS and SACFA online, there is a dire need to make the process simplified and faster which will cater to the TSPs as well as a regulated structure would further enhance such process.
- i. To deal with the frequency licensing process should be modified and be termed as Frequency Assignment process.
- j. TRAI also recommends for issuing a single Frequency Assignment Letter after SAFCA and NOCC approval. The letter should be issued by WPC.s

3. Grants of Permissions by Department of Telecom (DoT):

- a. TRAI recommends DoT to incorporate the provision for submission of FDI compliance on SaralSanchar Portal.
- b. TRAI recommends for a single-window portal that will comply with end-to-end requirements of rollout process obligation process. TRAI also suggests for specific timelines at every step of the process.
- c. In the matter of maintaining command logs and supply chain documents, TRAI suggests the review and simplification of the existing security conditions prescribed in the UL agreement. TRAI also suggested for creation of static IP based security system to make the requisite data of the TSPs easily accessible instead of seeking for every small report.

- d. Authority also expects DoT to review and simplify the existing security conditions prescribed in the UL agreement regarding the maintenance of command logs and supply chain documents.

4. Cable Landing Stations and Repair of Submarine Cables:

- a. TRAI suggests the Government to declare Indian Territorial Waters to be of critical infrastructure service.
- b. Permissions of laying, operations and maintenance of Submarine Cables network should also be made online as a part of the Saral Sanchar Port.
- c. DoT should be made the nodal agency to ensure time bound grant of permissions by appropriately coordinating with concerned with ministries/departments and agencies involved.

CONCLUSION

Telecommunication and Broadcasting industry have been on the frontline in terms of developing the country's critical infrastructure from time and shouldering itself along the Information and Technology industry. The importance of EoDB is transitioning itself from the very basic structure of providing relief to the hindrances, but also ensuring that there are corrections made in terms of quantifying the maximum benefit with minimum discrepancies or hassles. The Recommendations made by TRAI in 2023 emphasise mainly as a step-up to cater to the dynamism which the industry has seen in the past 5-7 years. The wide ambit catered by TRAI seeks to provide for a holistic outlook to the efforts and give comprehensive recommendation which not only help the Stakeholders to work on but give an outlook towards improving the inter-departmental coordination which in turn also improves the Governance in the field of Telecommunication industry. The recommendations with its neutralised structure and to strike out any balance that can fundamentally remove any bias, gives the Recommendation paper an overt look. The duty lies upon the stakeholders to coordinate with the Government as well as taking the guidance of TRAI to enunciate create a progress that will create a better structure for all the industries.

REFERENCE

- TRAI Consultation Paper on Ease of Doing Business in Telecommunication and Broadcasting Sector, 2021.
- NOCC Regulation, 2018