COAI Response on Consultation Paper on Data Communication Services between Aircraft and Ground Stations Provided by Organizations other than Airports Authority of India

At the outset, we thank the Authority for providing us the opportunity to share the response to this Consultation Paper on Data Communication Services between Aircraft and Ground Stations Provided by Organisations other than Airports Authority of India.

A summary of our submission is as follows:

1. Data Communication Services between aircraft and ground stations provided by organizations other than Airport **should be brought under License.**

2. The same should be licensed through **an authorization under Unified License.**

3. Communication services between aircraft and ground stations should **be only restricted to the Crew Members of the Aircraft and the Cockpit** and not to be provided through any medium to the passengers travelling inside the Aircraft.

4. The validity period for the said **License can be for 20 years, as in the case of other authorizations.**

Our Issue -Wise response is as below:

Q1. Whether there is a need to bring data communication services between aircraft and ground stations provided by organizations other than Airport Authority of India under service licensing regime? Kindly provide a detailed response with justification.

COAI Response:

1. We would like to bring your attention towards related provisions of Indian Telegraph Act, 1885, as given below:

   "telegraph" means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.

Explanation. – "Radio waves" or "Hertzian waves" means electro-magnetic waves of frequencies lower than 3,000 giga-cycles per second propagated in space without artificial guide;]

"message" means any communication sent by telegraph or given to telegraph officer to be sent by telegraph or to be delivered.

2. As per said provisions, the data communication services given over radio frequency in VHF for communication between aircraft and ground stations, will come under the ambit of Indian Telegraph Act.

3. Hence, there is a need to bring data communication services between aircraft and ground stations provided by organizations other than Airport Authority of India under service licensing regime. As highlighted by TRAI the data communication services between aircraft and ground stations may be classified as non-captive, because the frequency spectrum is not consumed for internal use, but to provide services to other users; non-public because this service is not made available to the public but to a select few organizations (AAI and Airlines).

4. COAI is wary of the data services being provided by the two entities viz. M/s SITA and M/s Bird Consultancy Services that are providing these data communication services between aircraft and ground stations using the spectrum in the frequency range 117.975-137 MHz which may be used to provide the Service to customers.

5. We are of the view that data communication services between aircraft and ground stations provided by organizations other than Airport should be brought under service License as the frequency spectrum may be used to provide the services to customers.

Q2. In case your answer to Q1 is in the affirmative, should the providers of data communication services between aircraft and ground stations be licensed through –
(a) an authorization under Unified License; or
(b) a separate service license. Kindly provide a detailed response with justification.

COAI Response:

1. COAI would like to submit that the data communication services between aircraft and ground stations **should be licensed through an authorization under Unified License**.

2. We would like to submit here that communication services between aircraft and ground stations should be only restricted to the Crew Members of the Aircraft and the Cockpit and not to be provided through any medium to the passengers travelling inside the Aircraft.

Q3. What should be the broad terms and conditions of the licensing framework for data communication services between aircraft and ground stations, such as – (a) licensed service area, (b) validity period of the license, (c) scope of the license, (d) technical conditions, (e) operating conditions, (f) security conditions, and (g) financial conditions (such as application processing fee, entry fee, license fee, bank guarantees, etc.)? Kindly provide a detailed response with justification.

COAI Response:

1. Licensing framework for any service requires defining the licensed area of the service, scope of the service and various obligations under the license. For this purpose, the technical, operating, security, and financial conditions (such as processing fee, entry fee, license fee, bank guarantees, etc.) may be defined as below:

   a. **Licensed service area:** Service area wise licence may be given along with the PAN India License.

   b. **Validity period of License:** We would like to submit that that as the data communication services between aircraft and ground stations have an element of air passenger safety associated with it, the period of validity of the license for providing such services should be sufficiently long. We suggest that validity period for the License can be for 20 years, as in the case of other authorizations.

   c. **Scope of the license:** The scope of License should be providing Data Communication Services between Aircraft and Ground Stations for the non-captive and non-public usage. Further, as highlighted above, we would like to submit here that communication services between aircraft and ground stations should be only restricted to the Crew Members of the Aircraft and the Cockpit and not to be provided through any medium to the passengers travelling inside the Aircraft.

   d. **Technical conditions:** Since these activities involve safety and security aspects, the equipment and products involved should meet Indian standards prescribed by Government bodies. In case of absence of such mandatory standards, these entities can be allowed to meet relevant international standards as recognized by the aviation authorities. Conditions like inspection and testing by Licensor or through its nominated 3rd party, should also be added.

e. **Operating conditions:** Conditions like ensuring continuity of services to its customers unless license is revoked or suspended by Licensor, should also be formulated.

f. **Financial conditions:** We suggest that the licence be prescribed at 8% of the AGR as that prescribed for the UL**.** However, there may not be any Performance Bank Guarantees, & Financial Bank Guarantee (FBG) for this UL(Authorization)

Q4. What should be the methodology for assignment of the spectrum in frequency range 117.975-137 MHz to the providers of data communication services between aircraft and ground stations? Should the spectrum be assigned administratively, or through auction, or through any other method? Kindly provide a detailed response with justification.

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Q5. In case administrative assignment is to be followed, what should be the mechanism for charging the VHF spectrum in the frequency range 117.975-137 MHz to be assigned to the providers of data communication services between aircraft and ground? Whether the auction determined prices for other frequency bands can be accounted for estimating the value of VHF spectrum in the frequency range 117.975-137 MHz? Kindly provide a detailed response with justification.

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Q6. If auction methodology is to be followed, whether the valuation of VHF spectrum in frequency range 117.975-137 MHz assigned to the providers of data communication services between aircraft and ground stations should be derived by relating it to the valuation of other frequency bands by using technical efficiency factor? If yes, with which frequency band, should these frequencies be related to and what efficiency factor or formula should be used for estimating the value of VHF spectrum in frequency range 117.975-137 MHz? Kindly justify your suggestions.

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Q7. What are the prevalent international practices being followed in other countries for assignment and charging (including other applicable charges and fees) of spectrum in the frequency range 117.975-137 MHz, which is used for providing data communication services between aircraft and ground stations? Please provide a detailed response.

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Q8. Whether the valuation of VHF spectrum assigned to the providers of data communication services between aircraft and ground stations be derived using the methodologies used internationally in this regard? If yes, which of the methodologies can be followed? Please provide a detailed response.

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Q9. Apart from the approaches highlighted above, which other valuation approaches should be adopted for valuation of the VHF spectrum in the frequency range 117.975-137 MHz? Kindly support your suggestions with detailed methodologies, related assumptions, and other relevant factors.

COAI Response:

Our Member TSPs will Individually respond on the above set of queries regarding assignment of the spectrum & related matters.

Q10. Whether there are any other issues/ suggestions relevant to the subject? The same may be submitted with proper explanation and justification.

COAI Response:

No Comments

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