

1.2 Distance:

- (a) **In Normal Areas:** The minimum distance from the nearest existing post office should be 3 kms.
- (b) **In Hilly, Tribal, Desert and Inaccessible Areas:** The distance limit will be the same as above except that in Hill Areas, the minimum distance limit can be relaxed by the Directorate in cases where such relaxation is warranted by special circumstances which should be clearly explained while submitting a proposal.

1.3 Anticipated Income:

- (a) **In Normal Areas:** The minimum anticipated revenue will be 33.33 % of the cost.
- (b) **In Hilly, Tribal, Desert and Inaccessible Areas:** The minimum anticipated income will be 15% of the cost.

It is further to be ensured that as a result of opening of a new post office, the loss in respect of the parent post office does not increase beyond the permissible limit nor is its income reduced below the minimum prescribed.

Entry fee charged by DoT towards grant of Cellular and UAS Licence

2695. SHRI JAI PRAKASH NARAYAN SINGH :
SHRI M.V. MYSURA REDDY:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether entry fee of Rs. 1659 crores charged by DoT towards grant of Cellular and UAS licence from 2001 onwards included payment towards 6.2 MHz of GSM or 5 MHz of CDMA contracted spectrum;
- (b) whether TRAI in its recommendations of May, 2010 has again confirmed that 6.2 MHz is the contracted spectrum;
- (c) whether Delhi High Court in its judgement of October, 2008 has also ruled that 6.2 MHz for GSM operators and 5 MHz for CDMA operators is the contracted spectrum;
- (d) whether DoT had accepted the above recommendations of TRAI and orders of the High Court; and
- (e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) Apart from the entry fee charged by DoT towards

grant of Cellular and UAS licence from 2001 onwards, no separate up front charge has been levied for allotments of 6.2 MHz of GSM or 5 MHz of CDMA spectrum to Cellular/Unified Access Service (UAS) licensees. However, annual spectrum usage charges are being levied from these Licensees as a percentage of Adjusted Gross Revenue (AGR). Licensing provisioning for allocation of spectrum, as defined in Clause 43.5 of new Unified Access Service (UAS) Licence is re-produced below :—

“43.5 Subject to availability and as per Guidelines issued from time to time, the spectrum allocation and frequency bands will be as follows:

- 43.5 (i) For wireless operation in SUBSCRIBER access network, the frequencies shall be assigned by WPC wing of the Department of Telecom from the frequency bands earmarked in the applicable National Frequency Allocation Plan and in coordination with various users. Initially a cumulative maximum of upto 4.4 MHz + 4.4 MHz shall be allocated in the case of CDMA based system @ 200 KHz per carrier or 30 KHz per carrier or a maximum of 2.5 MHz + 2.5 MHz shall be allocated in the case of CDMA based systems @ 1.25 MHz per carrier, on case by case basis subject to availability. While efforts would be made to make available larger chunks to the extent feasible, the frequencies assigned may not be contiguous and may not be the same in all cases or within the whole Service Area. For making available appropriate frequency spectrum for roll out of services under the licence, the type(s) of Systems to be deployed are to be indicated.
- 43.5 (ii) Additional spectrum beyond the above stipulation may also be considered for allocation after ensuring optimal and efficient utilization of the already allocated spectrum taking into account all types of traffic and guidelines/criteria prescribed from time to time. However, spectrum not more than 5 + 5 MHz in respect of CDMA system or 6.2 + 6.2 MHz in respect of TDMA based system shall be allocated to any new Unified Access Services Licensee. The spectrum shall be allocated in 824 – 844 MHz paired with 869 – 889 MHz, 890 – 915 MHz paired with 935 – 960 MHz, 1710-1785 MHz paired with 1805 – 1880 MHz.
- 43.5 (iii) In the event, a dedicated carrier for micro-cellular architecture based system is assigned in 1880 – 1900 MHz band, the spectrum not more than 3.75 + 3.75 MHz in respect of CDMA system or 4.4 + 4.4 MHz in respect of TDMA system shall be assigned to any assigned to any new Unified Access Services Licensee.
- 43.5 (iv) The Licensor has right to modify and/or amend the procedure of allocation of spectrum including quantum of spectrum at any point of time without assigning any reason.

Further, as per the CMTS licences issued in 2001, a cumulative maximum of upto 4.4 MHz + 4.4 MHz will be permitted. Based on usage, justification and availability, additional spectrum upto 1.8 MHz + 1.8 MHz making a total of 6.2 MHz + 6.2 MHz, may be considered for assignment, on case by case basis, on payment of additional Licence fee as revenue share.

(b) Telecom Regulatory Authority of India (TRAI), in its recommendations dated 11.05.2010 on 'Spectrum Management and Licensing Framework', has *inter-alia*, recommended that "the contracted spectrum for all the access licences (CMTS and UAS licences) issued in or after 2001, is 6.2 MHz/5 MHz in respect of GSM/CDMA respectively".

(c) to (e) No such judgement of October, 2008 of Delhi High Court has been seen. However, in judgement dated August 22, 2008 of High Court of Delhi in Writ Petition (Civil) No. 9654 of 2007 in the matter of 'Cellular Operators Association of India (COAI) and Ors Vs Union of India (UOI) and Ors', the issue regarding contractual provision for allocation of spectrum in the UAS Licence were deliberated, but there seems to be no explicit judgement on the amount of contractual spectrum as the petitioners, *inter-alia*, mainly prayed for issue of an appropriate Writ setting aside/quashing the impugned order dated 12.12.2007 by the learned TDSAT in petition no. 286 of 2007.

Further, the TDSAT in its judgment dated 31.03.2009 in petition of 286 of 2007, in the matter of COAI and ors Vs UOI and ors has held that the petitioners do not have any vested right to receive GSM spectrum beyond 6.2 MHz. Against this judgment, the COAI has appealed before the Supreme Court and the matter is sub-judice.

The above said recommendations of TRAI of May, 2010 are under consideration of the Government and being a matter of policy formation, it is not feasible to specify a time frame for final decision on the recommendations.

Non availability of SIM cards in Madhya Pradesh

†2696. SHRI RAGHUNANDAN SHARMA:
SHRI MEGHRAJ JAIN:

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether it is a fact that in Madhya Pradesh wherever mobile services are being provided, there is a long waiting list;

(b) whether Central Government is unable to provide the facility there due to non availability of SIM; and

(c) if so, by when SIM cards would be received and the waiting list would end?

†Original notice of the question was received in Hindi.