

No. L-14006//04/2015-NTG
Government of India
Ministry of Communications & IT
Department of Telecommunications
WPC Wing, 6th floor, Sanchar Bhawan, New Delhi

Dated: the 24th September , 2015

Subject: Guidelines for Sharing of Access Spectrum by Access Service Providers

National Telecom Policy, 2012 envisage to move at the earliest towards liberalisation of spectrum to enable use of spectrum in any band to provide any service in any technology as well as to permit spectrum pooling, sharing and later, trading to enable optimal utilisation of spectrum through appropriate regulatory framework. After considering the recommendations of TRAI on spectrum sharing, the Government has decided to allow sharing of access spectrum as per guidelines given below:

- (1). Spectrum sharing shall be allowed only for the access service providers holding Cellular Mobile Telephone Service (CMTS) /Unified Access Service License (UASL) /Unified License (Access Services)(UL(AS))/Unified License (UL) with authorization of Access Service in a Licensed Service Area (LSA), where both the licensees are having spectrum in the same band.
- (2). Spectrum sharing is permitted between two Telecom Service Providers utilizing the spectrum in the same band.
- (3). Spectrum sharing is not permitted when both the licensees are having spectrum in different bands. Leasing of spectrum is not permitted.
- (4). All access spectrum including traded spectrum shall be sharable provided that both the licensees are having spectrum in the same band. Further, if more bands such as 700 MHz are added for allocation of spectrum to Access service Providers through auction process, the sharing of spectrum shall also be permitted in that band.
- (5). The right to share the spectrum shall be subject to the fulfilment of the relevant license conditions and any other conditions that may be specified by the licensor/Government from time to time.



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- (6). Both the licensees shall ensure that they fulfil the specified roll-out obligations and specified QoS norms.
- (7). A licensee shall not be eligible to share its spectrum if it has been established that it is in breach of terms and conditions of the licence and the licensor has ordered for revocation/termination of its licence.
- (8). Sharing is permitted in the following scenarios:
- (i). For the spectrum where both the Licensees who plan to share, possess the spectrum for which market price has been paid. Further, in respect of spectrum in 800 MHz acquired in the auction held in March 2013, sharing of spectrum shall be permitted only if the differential of the latest auction price and the March 2013 auction price on pro-rata basis on the balance period of right to use the spectrum is paid.
 - (ii). In case both the Licensees who plan to share spectrum are having the administratively allotted spectrum in that band, the sharing of spectrum is permitted only when both the licensees have paid One time Spectrum Charges (OTSC) for their respective spectrum holdings, above 4.4 MHz (GSM) / 2.5 MHz (CDMA) based on reserve price/auction determined price. However if the said amount is not paid due to judicial intervention in judicial forums barring any coercive action, in the interim, sharing of spectrum in such cases will also be permitted subject to submission of a bank guarantee for an amount equal to the demand raised by the department for one time spectrum charge pending final outcome of the court case.
 - (iii). In case of proposed sharing where one Licensee has spectrum acquired through auction/trading or liberalized spectrum and the other has spectrum allotted administratively, sharing is permitted only after the spectrum charges for liberalizing the administratively allocated spectrum are paid. Further, in case of spectrum acquired in auction held in March 2013, differential amount as indicated in para 7(i) above shall be payable in respect of 800 MHz band.



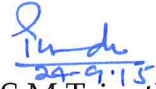
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- (9). The use of technology shall be governed by the terms and conditions of respective Notice Inviting Application (NIA)/license.
- (10). Both the licensees will be individually and collectively responsible for complying with the sharing guidelines, including interference norms.
- (11). Spectrum sharing will be restricted to sharing by only two licensees subject to the condition that there will be at least two independent networks provided in the same band.
- (12). For the purpose of charging Spectrum Usage Charges (SUC), it shall be considered that the licensees are sharing their entire spectrum holding in the particular band in the entire LSA.
- (13). Spectrum Usage Charges (SUC) rate of each of the licensees post-sharing shall increase by 0.5% of Adjusted Gross Revenue (AGR). The sharing of spectrum for part of a month, full one month period shall be counted for the purpose of levying SUC.
- (14). The prescribed limits for spectrum cap shall be applicable for both the licensees individually. Further, the spectrum holding of any licensee post-sharing shall be counted after adding 50% of the spectrum held by the other licensee in the band being shared being added as the additional spectrum to the original spectrum held by the licensee in the band.
- (15). Spectrum sharing shall be available for upto the balance period of the licence or upto the period of right to use spectrum, whichever is earlier.
- (16). Both the licensees sharing the spectrum shall jointly give a prior intimation for sharing the right to use the spectrum at least 45 days before the proposed effective date of the sharing. Application format is attached along with these guidelines as Annexure-I.
- (17). Both the licensees shall also give an undertaking that they are in compliance with all the terms and conditions of guidelines for spectrum sharing and the licence conditions and will agree that in the event, it is established at any stage in future that either of the licensee was not in conformance with the

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terms and conditions of the guidelines for spectrum sharing or/and of the licence at the time of giving intimation for sharing of right to use the spectrum, the Government will have the right to take appropriate action which inter-alia may include annulment of sharing arrangement. Appropriate modifications will be made in their respective Service License and Wireless Operating License (WOL) to facilitate the spectrum sharing.

- (18). A non refundable processing fee, as prescribed from time to time, shall be payable individually by each licensee for each service area at the time of intimation to WPC Wing. At present, processing fee of Rs. 50,000/- is to be paid. The payment is to be made by draft in favour of Pay & Account Officer (HQ), DOT payable at New Delhi.
- (19). Licensor/Government reserves the right to modify the guidelines from time to time as it may deem fit.



(P S M Tripathi)

Assistant Wireless Adviser
for and on behalf of President of India

(On Company Letter head)

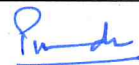
To,

Wireless Adviser to the Government of India
 WPC Wing, Department of telecommunications
 Ministry of Communications & IT
 Sanchar Bhawan
 20, Ashok Road, New Delhi - 110001

Subject: - Intimation for Sharing of Spectrum

With reference to guidelines for sharing of spectrum issued vide L-14006/04/2015-NTG dated 24.09.2015, we wish to share the spectrum as per details given below:

S. No.	Item	Status
1.	Name of the Licensee1	
2.	License No. of the Licensee1 and date of expiry of license	
3.	Name of the Licensee 2	
4.	License No. of the Licensee 2 and date of expiry of license	
5.	Name of Licensed Service Area where spectrum sharing is proposed	
6.	Band of the spectrum for Sharing and frequency spots to be shared	(i) Licensee 1 (ii) Licensee 2
7.	Total spectrum available with Licensee 1 in the LSA (band wise)	
8.	Total spectrum available with Licensee 2 in the LSA (band wise)	
9.	Amount of administrative allotted spectrum with the Licensee 1, if any, along with date of expiry of right to use of spectrum	
10.	Amount of administrative allotted spectrum with the Licensee 2, if any, along with date of expiry of right to use of spectrum	
11.	Amount of spectrum obtained by Licensee 1 through auction year wise along with date of expiry of right to use of spectrum	



12.	Amount of spectrum obtained by Licensee 2 through auction year wise along with date of expiry of right to use of spectrum	
13.	Effective date of Sharing	
14.	Period of Sharing (Years/Months)	
15.	Date of expiry of shared spectrum by Licensee1	
16.	Date of expiry of shared spectrum by Licensee2	
17.	Details of payment of processing fee for spectrum sharing (Demand draft to be enclosed)	
18.	Any other relevant information	

It is certified that:

- (i). Both the licensees fulfil all the eligibility conditions for sharing the spectrum.
- (ii). In case any interference is arising due to sharing of their spectrum, Licensees will resolved within 30 days failing which they will stop sharing in the affected areas till the problem of interference is addressed.
- (iii). Both the licensees fulfil the conditions mentioned in the Spectrum Sharing Guidelines issued vide OM No. L-14006/04/2015-NTG dated 24.09.2015.

(Authorized Signatory)

Copy of Board Resolution/POA to be attached

