

**Government of India
Ministry of Communications
Department of Telecom
Sanchar Bhavan, 20, Ashoka Road, New Delhi - 110001
(Data Services Cell)**

File No. 820-01/2006-LR(VOL.-II) Pt-2

Dated: 31.03.2021

To

All Internet Service Providers Licensees
Granted Under Guidelines dated 24.08.2007

Subject: Amendment relating to infrastructure sharing, Public Wi-Fi services, Definitions of Gross Revenue, Adjusted Gross Revenue and Rate of License Fees in Internet Service Provider (ISP) Licenses granted as per 24.08.2007 guidelines

In pursuance of Condition No. 5.1 of the Internet Service Provider Licenses granted under the guidelines dated 24.08.2007, LICENSOR hereby amends/ appends the following conditions in the said ISP License Agreements with immediate effect:

Existing Condition	Amended/ Appended Condition
<p>SCHEDULE : TERMS AND CONDITIONS PART-I GENERAL CONDITIONS</p> <p>2.2(i) Internet Access: Internet access means use of any device/technology/methodology to provide access to internet including IPTV and all content available without access restriction on Internet including web hosting, webcolocation but it does not include service provider's configured Closed User Group Services (VPN). The content for IPTV shall be regulated as per law in force from time to time. Permission to provide IPTV services shall be granted on application by licensee provided the licensee has networth of Rs. 100 crore or more.</p>	<p>SCHEDULE : TERMS AND CONDITIONS PART-I GENERAL CONDITIONS</p> <p>2.2(i) Internet Access: Internet access means use of any device/technology/methodology to provide access to internet including IPTV and all content available without access restriction on Internet including web hosting, webcolocation but it does not include service provider's configured Closed User Group Services (VPN). The content for IPTV shall be regulated as per law in force from time to time. Permission to provide IPTV services shall be granted on application by licensee provided the licensee has networth of Rs. 100 crore or more.</p> <p><i>Licensee may enter into mutual commercial agreements for roaming facilities (within same service area or other service areas) with other Cellular Mobile Telephone Service Licensees/ Unified Access Service Licensees/Unified Licensees with Access Service authorization/ Unified Licensees having Category 'A', Category 'B' and Category 'C' Internet Service Provider (ISP) authorizations/ Category 'A', Category 'B' and Category 'C' Internet Service Provider (ISP) Licensees, for providing Internet Access Services only. However, any Roaming arrangement shall not entitle the Licensee to acquire customer in the spectrum band not held or technology not deployed or for</i></p>

	<i>services/facilities not offered by the Licensee in its network.</i>
<p>SCHEDULE : TERMS AND CONDITIONS PART-V OPERATING CONDITIONS New Condition 28A to be inserted between existing condition 28 and condition 29</p>	<p>SCHEDULE : TERMS AND CONDITIONS PART-V OPERATING CONDITIONS 28A: Infrastructure Sharing Sharing of Active infrastructure amongst Service Providers based on the mutual agreements entered amongst them is permitted. Active infrastructure sharing will be limited to Wi-Fi equipment such as Wi-Fi router, Access Point etc. Sharing of backhaul is also permitted.</p>
<p>PART-III FINANCIAL CONDITIONS 17. FEES PAYABLE: 17.2 Licence Fees: An annual licence fee @6% of Adjusted Gross Revenue (AGR) as defined in Condition 18 , subject to minimum of Rs.50,000/- (Rupees Fifty Thousand Only) and Rs.10,000/- (Rupees Ten Thousand Only) shall be payable for category ‘A’ & ‘B’ service areas respectively per annum per licenced service area.</p>	<p>PART-III FINANCIAL CONDITIONS 17. FEES PAYABLE: 17.2 Licence Fees: An annual licence fee @8% of Adjusted Gross Revenue (AGR) as defined in Condition 18, inclusive of USO Levy which is presently 5% of AGR , subject to minimum of Rs.50,000/- (Rupees Fifty Thousand Only) and Rs.10,000/- (Rupees Ten Thousand Only) shall be payable for category ‘A’ & ‘B’ service areas respectively per annum per licenced service area. The Licensor reserves the right to modify the License fee as percentage of AGR any time during the currency of this agreement.</p>
<p>18. Definition of ‘Adjusted Gross Revenue’ : 18.2 For the purpose of arriving at the “Adjusted Gross Revenue (AGR)” the following shall be excluded from the Gross Revenue to arrive at the AGR: (i) Charges from pure Internet service, activation charges from pure internet subscribers. Pure Internet Services shall mean any method / device / technology to provide access to Internet unless explicitly prohibited and all content available including web-hosting, web-colocation which is available on internet without access restriction.</p>	<p>18.2 (i) “Charges from pure Internet service, activation charges from pure internet subscribers. Pure Internet Services shall mean any method / device / technology to provide access to Internet unless explicitly prohibited and all content available including web-hosting, web-colocation which is available on internet without access restriction.” is deleted</p>

<p>Appendix-II to Annexure-II Format of Statement of Revenue and Licence Fee</p> <p>S.No. 11 Miscellaneous Revenue</p> <p>AA. GROSS REVENUE OF THE LICENSEE COMPANY :(Add 1- 11)</p> <p>B. DEDUCT:</p> <p>1. Revenue from Pure Internet Service</p>	<p>S.No. 11 (B) (1) "Revenue from Pure Internet Service" is deleted</p>
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2. This amendment shall be part and parcel of Internet Service Provider (ISP) Licenses granted as per 24.08.2007 guidelines. All other terms and conditions shall remain unchanged.
3. The amendments shall be effective with immediate effect.


 31/03/2021
 (Jai Prakash)
 ADG (DS)
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Copy To:

- (1) Secretary, TRAI
- (2) Advisor(Economics)/ Wireless Advisor
- (3) Sr DDG (TEC)/ DGT, DOT(HQ)
- (4) DDG(DS)/ DDG(AS)/ DDG(CS)/ DDG (LFP) /DDG(LFA)/ DDG(Security) /DDG (WPF)/ DDG(A/C)
- (5) All Director of AS /DS cell
- (6) Director (IT) may kindly arrange to upload this letter on the website of DoT.