

No. L-14035/19/2010-BWA (Pt-II)
Ministry of Communications
Department of Telecommunications
Wireless Planning and Coordination Wing

New Delhi dated 25th July, 2022

Subject: Guidelines for allotment of E-band (71-76/81-86 GHz) carriers to Telecom Service Providers (TSPs) with Access Service authorization/license and having Access Spectrum in IMT bands.

In view of the increased backhaul capacity requirements of TSPs with Access Service authorization/license and having Access Spectrum in the IMT bands, especially on account of 5G, it has been decided to allot carriers in E-band spectrum for the purpose of backhaul on interim basis as per the following guidelines:

1. TSPs, based upon their application, would be allotted a maximum of 2 (two) carriers of 250 MHz each (paired) bandwidth in E-band (71-76/81-86) GHz for their backhaul purpose in the LSAs where they are holding Access Spectrum in IMT bands.
2. For each E band carrier of 250 MHz paired bandwidth, Spectrum Charges will be charged @ 0.15% of AGR (Adjusted Gross Revenue) of the TSPs in the interim period, which will be adjusted/recalculated retrospectively (from date of provisional assignment) based upon the pricing decided finally. No interest shall be paid/ charged on the excess / shortfall amount, if any, while making such adjustment/recalculation. Final assignment of carriers will be decided accordingly.
3. Spectrum Charges shall be payable in four quarterly instalments during each financial year (FY). Quarterly instalments of Spectrum Charges for the first three quarters of a financial year shall be paid within 15 days of the completion of the relevant quarter. However, for the last quarter of the financial year, the Licensee shall pay the Spectrum Charges by 25th March on the basis of expected revenue for the quarter, subject to minimum payment equal to the revenue share paid for the previous quarter.
4. Any delay in payment of spectrum charges, payable, or any other dues payable under the License beyond the stipulated period will attract interest at a rate which will be 2% above the one-year Marginal Cost of Lending Rate (MCLR) of the State Bank of India existing as on the beginning of the Financial Year (namely 1st April) in respect of the spectrum charges pertaining to the said Financial Year. The interest shall be compounded

annually. A part of the month shall be reckoned as a full month for the purpose of calculation of interest. A month shall be reckoned as an English calendar month.

5. All E-band carriers assigned, as an interim measure, will be purely on temporary and provisional basis and all such assignees will have to participate in the auction and/or any other assignment methodology, as decided by the Government after considering the recommendations of the TRAI in this regard.

6. The E- band carriers, assigned as an interim measure, will stand reverted back to the Government, after a period of three months from the date of finalization of results of aforesaid activity as detailed/stipulated in para 5 above in case such assignees fail to get back the carriers/ spectrum provisionally assigned as an interim measure.

7. WPC Wing reserves the right to change or modify frequencies assigned to licensee without any notice in the interest of public or for proper conduct of telegraphs and or for security considerations.

8. Equipments conforming to TEC/ITU and other international standards and National Frequency Allocation Plan (NFAP) shall be deployed.

9. Any misuse i.e. use of E-band carriers allotted under these guidelines for purpose(s) other than backhaul will lead to immediate withdrawal of these carriers and invocation of relevant terms and conditions of the UL/UASL-Access Service Authorization.

10. The applicants (TSPs) are required to submit an undertaking as per enclosed proforma, with their request for the assignment of E- band carriers.

11. These guidelines shall be effective from the date of its issue.

Encl: Proforma of Undertaking

(Avneesh Kumar)

Assistant Wireless Adviser to the Govt. of India

Copy To:

- i. All Concerned
- ii. Sr. DWA (ASMS), WPC Wing, DoT for uploading on the WPC Wings website.
- iii. Director (IT), DoT, for uploading on the DoT website.

Undertaking for Interim/Provisional allotment of E-band (71-76/81-86 GHz) carriers

I/We _____ ..on behalf of M/s _____ . hereby undertake to agree for the assignment of frequencies against our application vide letter No _____ .dated _____ .with the following conditions:

- (i) The allotment of spectrum is provisional and subject to Government's final decision on allotment & pricing of E-band spectrum;
- (ii) In the event of final decision to allot spectrum through auction process or any other methodology as finally decided by the Govt., I/We shall follow the process accordingly; failing which the spectrum shall be withdrawn by the Govt.
- (iii) In case the provisional allotment of spectrum is withdrawn, payment made towards spectrum charges or part thereof shall not be refunded;
- (iv) In case the provisional allotment of spectrum is withdrawn, I/We would obtain Non-Dealer Possession License (NDPL) for possessing the wireless equipment or return the equipment to a DPL holder or shall dispose off the same as per procedure;
- (v) The revised spectrum charges, as finally determined through market related mechanism or otherwise, as may be applicable, shall be paid by us from the date of issue of Letter for provisional allotment of spectrum.
- (vi) The carriers allotted thus would only be used for backhaul purpose in the network.
- (vii) I/We hereby agree and unequivocally undertake to fully comply with all the terms and conditions stipulated in the Guidelines dated _____ .for allotment of E-band (71-76/81-86 GHz) carriers without any deviations or reservations.

Place _____

Signature of Authorized Signatory*

Date _____ ..

Name _____

Designation _____ ...

*The document in support of being the authorized signatory (i.e. Board Resolution and POA) to be attached.