

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

No. 6-20/2005-B&CS

Dated: 2nd December 2005

In exercise of the powers conferred upon it under section 36 read with clauses (iv), (vii) and (viii) of Sub-section 1(b) of Section 11 of the Telecom Regulatory Authority of India Act, 1997, the Telecom Regulatory Authority of India hereby makes the following regulation, namely:

1. **Short title, extent and commencement**

- (i) This regulation shall be called "The Register of Interconnect Agreement (Broadcasting and Cable Services) (Second Amendment) Regulation, 2005 (12 of 2005)"
- (ii) This regulation shall come into force from the date of its publication in the Official Gazette.

2. In regulation 6 of "The Register of Interconnect Agreements (Broadcasting & Cable Services) Regulation, 2004" (15 of 2004), the following paragraphs and entries shall substitute the existing paragraphs and entries: -

"The broadcaster shall furnish to the Authority, the information relating to the interconnect agreement in two parts namely, Part A and Part B, as detailed below: -

- a) Part A containing the standard affiliation agreement/service contract/memorandum of understanding, duly authenticated in duplicate.
- b) Part B containing in tabular form the details of individual agreements, of contracting parties with addresses, service area covered by the agreement, integrated receiver decoder number and terms of hiring of integrated receiver decoder, contract number, date of entering contract, date of expiry of contract, number of channels, details of channels, subscriber base, charges per subscriber per month and discounts in the case of non-Conditional Access System (CAS) areas.

- c) Part B for CAS areas shall additionally contain details of maximum retail price of each individual channel, bouquet of channels, minimum subscriber guarantee if any, besides what is required to be provided in non-CAS areas under clause (b) above.

Provided that the Authority may from time to time prescribe formats for seeking disaggregated information on such parts of standard affiliation agreement/ service contract/memorandum of understanding referred to as Part A over and above and in addition to what is required to be furnished as Part B, as may be necessary, for maintaining the register as provided in clause 3 of this regulation.

Provided further that the Authority may from time to time specify the requirements, in regard to the manner of filing of data or information, the form or formats of filing, the number of copies to be filed, and other procedural aspects connected and incidental to the filing of details of interconnect agreements."

3. The entries relating to regulation 5 (b) (3) of "The Register of Interconnect Agreements (Broadcasting & Cable Services) Regulation, 2004" (15 of 2004), shall be substituted by the following entries:

"30th April, 31st July, 31st October and 31st January of the calendar year for the modification/ amendments made in all interconnect agreements as well as new interconnect agreements during the preceding quarter of January to March, April to June, July to September and October to December, respectively or as may be specified from time to time in terms of the 2nd proviso to regulation 6 of this regulation".

4. **Explanatory Memorandum**

An explanatory memorandum dealing with the background of this regulation is annexed as Annexure "A"

By order

(RAKESH KACKER)

Acting Secretary - cum -Advisor (B &CS)

Explanatory Memorandum

Telecom Regulatory Authority of India notified separate regulation namely, "The Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004". (15 of 2004) on 31.12.2004, for the purpose of registration of interconnect agreements entered into by broadcasters with the service providers. In terms of clause 5 read with clause 6 of the "The Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004". (15 of 2004) as amended, the broadcasters are required to file details of interconnect agreements entered into with the service providers in part A containing standard forms of contract/agreement/MOU etc and in Part B containing specified details of individual agreements both in print and electronic form with quarterly updation at the expiry of one month from the end of each quarter.

2. A proposal for amendment to the above regulation was received from a broadcaster expressing difficulties in filing in print form of part B at the end of every quarter. It was indicated that new agreements are entered /renewed/modified continuously throughout the year. In view of a large number of agreements involved, the process of tracing amendments /changes becomes laborious and time consuming and the filing in print form at the end of every quarter becomes very voluminous. It was pointed out that it is easier to file the entire updated details of agreements at the end of every quarter in Electronic form and requested for amendment to the above regulation to provide freedom to the broadcasters to file details of part B in Electronic Format at the time of quarterly updation.

3. The request for amendment and options for facilitating filing in Electronic format without compromising on authenticity and security of data was examined in consultation with major broadcasters/distributors of TV channels. It has been experienced during the implementation of above regulations that the filing in print form, in view of the large number of agreements, becomes very voluminous. It was noted that various options of filing in electronic form ranging from filing in CD-ROM bearing the signature of the authorized representative of the service provider to e-filing with digital signature have distinct merits and demerits and could become a viable option over a period of time. While examining the proposal it was also viewed from a broader angle that the regulations would need to be made flexible enough to facilitate adopting a particular procedure not only with reference to a particular form in which the filing is to be done but also with reference to a number of other procedural matters, through a simplified process, instead of resorting to the need to amend the regulations time and again.

4. Accordingly TRAI has decided to amend the existing clause 6 of the above regulation so as to enable the Authority to specify a particular procedure in regard to the manner of filing of data or information; to the form or formats of filing; to the number of copies to be filed; and, to such other procedural issues connected to the filing of details of interconnect agreements through a simplified process instead of the need to amend the regulation every time whenever a change in procedure is necessitated. Consequential amendment in clause 5 of the regulation has also

been made to give effect to the proposed change. The Authority would separately be specifying the procedure to be adopted by the broadcasters for the filing(s) due after amended regulations are notified.