

Delhi Distribution Co.

Comments on

The Register of Interconnection Agreements (Broadcasting and Cable Services) Regulations, 2016

Q1. Why all information including commercial portion of register should not be made accessible to any interested stakeholders?

Comments:- The true essence of non-discrimination can only be achieved if every information is disclosed so that anyone can get the content on non-discriminatory basis. The basic discrimination is in commercials therefore to implement non-discrimination authority should made accessible all information including commercial portion of register to any interested stakeholder.

Q2. If the commercial information is to be made accessible,

(a) In which way, out of the three ways discussed above or any other way, the commercial information should be made accessible to fulfill the objective of non-discrimination?

Comments:- Providing access to relevant commercial information will help service providers to engage in interconnection arrangements looking at the data and trends. It will support level playing field and encourage competition based on efficiency and quality of service and effectively it will lead to transparency and non-discrimination.

(b) Should it be accessible only to the service providers, general public or both?

Comments:- It should be accessible to the service providers as these information is useful for non-discrimination among service providers.

(c) Should any condition be imposed on the information seeker to protect the commercial interests of the service providers?

Comments:- The information seeker should be verified that he is service provider or not. Moreover some nominal charge should also be levied for access to the information.

Q3. If the commercial information is not made accessible to stakeholders, then in what form the provisions under clause (vii) and (viii) of Section 11 (1) (b) of TRAI Act be implemented in broadcasting and cable sector so that the objective of non-discrimination is also met simultaneously?

Comments:- In the present scenario there is no other alternative to implement non-discriminatory in true sense. To bring transparency and non-discrimination the information must be made available to service providers.

Q4. Please provide suggestions on regulation 5 of the draft regulations regarding periodicity, authentication etc.

Comments:- We agree with periodicity , authentication etc. as mentioned in draft regulation.

Q5. Please provide comments on how to ensure that service providers report accurate details in compliance of regulations?

Comments:- To ensure reporting of accurate details the information should be accompanied with Affidavit of CEO/Partner/Proprietor. And if found anything wrong then stringent action should be taken including not limiting to exemplary penalty.

Q6. Please provide comments on digitally signed method of reporting the information.

Comments:- Today in digital world it's perfectly alright that it should be signed digitally. Now a day's most of the filing is done using digital signature.

Q7. Please provide suggestions on regulation 6 of draft regulations and also the formats given in schedules? Stakeholders can also suggest modified format for reporting to make it simple and easy to file.

Comments:- In schedule I ,table -A1 and table -B the word ‘non-CAS’ should be replaced with ‘Non-DAS’, there should also be table for reporting of carriage fee/ Placement fee/ Marketing fee to the Distributor of channel either directly or indirectly. This is required to cross check the carriage fee/ Placement fee/ Marketing fee reported by MSO/HITS/DTH. The word appearing as ‘Carriage Fee’ in Schedule II should be replaced with ‘carriage fee/ Placement fee/ Marketing fee receiving directly or indirectly from the Broadcaster’

Q8. Any other suggestions relevant to the draft regulations.

Comments:- Proviso to clause 5 (1) of the draft regulation should be deleted. Any such reservation by the authority would lead to non-transparency and may amount to discrimination.