

CABLE OPERATORS SANGRAM COMMITTEE

13/1, LAKE GARDENS

KOLKATA 700 045

E-mail:- sangramcommittee1@gmail.com

REF NO

DATE

12/08/2014

To,

Mr. Sunil Kumar Singhal, Advisor (B&CS),

Telecom Regulatory Authority of India,

New Delhi

Sub: - Comments on Standard of Quality Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) .

Respected Sir,

With due respect, we the representative of Cable TV Operators of West Bengal are going to record and apprise you and your kind office. We learnt from the Notification on your website that you are in process to amend new regulations on Standard Quality of Service (Digital Addressable Cable TV Systems).

OUR VIEW ON YOUR NOTIFICATION

On behalf of the Cable TV Operators of different MSOs in the area of KMA (PHASE I) it can be mentioned that the said Notification published in the English Language on your website. Each & every Local Cable TV Operator will be affected with this notification. Incidentally, most of the Local Cable TV Operators are not comfortable with English & has limited or no access to internet. Considering the essentiality of the Notification, it was required to publish it in the Local News Paper of different States in the different regional languages.

The period fixed to submit comments on Notification was short to understand, consult as well as to come to a decision to the suitable observations.

OUR EARLIER COMMUNICATIONS.

In continuation to our several correspondence, to the different authorities of TRAI on the dated 18/7/2013, 30/7/2013, 15/8/2013, 12/6/2013, 19/5/2014, and 24/5/2014 to acquire notice on to them about the pandemonium in the every steps after implementation of DAS throughout the chain, started from the Broadcasters. It will not be irrelevant to mention here that unfortunately, neither you pay heed on the subject matter of our letters nor you favored us even with a letter of assurance regarding the steps to roll out DAS successfully, taken by you.

TRAI REGULATIONS UNMATCHED.

In view of the above it can be stated that the sequence of the Regulations of TRAI absolutely unmatched with the subject matter of Digitization started from the

- (1) Tariff order,
- (2) Revenue Sharing structure among Broadcaster, MSO and Local Cable TV Operator,
- (3) Introducing Package System according to the choice of Subscribers based on scientific exercise,
- (4) Substandard Imported Set Top Box not certified to BIS,
- (5) Arrangement of Service Centre of Set Top Box

(6) Monitoring Cell to supervise the related persons whether they act properly to introduce DAS.

ROLL OF KOLKATA MSOs.

You are well aware about the unpreparedness, procrastination as well as incompetency of the Kolkata based MSO's to implement Digitization appropriately has been proved with their performances since 2012. Our Organization appreciates the support of and delivers thankfulness to TRAI for their durable stride to uphold the essence of DIGITIZATION across the country.

ISSUE OF INTERCONNECTION AGREEMENT.

Unfortunately, the Kolkata based MSO's are showing immovable attitude. Still they are in practice to delay willfully to carry on the direction of TRAI, to introduce proper DAS Billing System and completion of **INTERCONNECTION AGREEMENT** with the Cable TV Operators connected with them. The Kolkata based MSO's have shown same attitude in every step of Digitization especially at the time of implementation of DAS without ascertaining as to whether sufficient Set Top Boxes had been made available or not, therefore forcing TRAI to defer DAS.

Once again, the same MSO's were mischievous at the instance of implementation of package of DAS. However, 31 October 2012, the central government fixed a date after consultation with all Kolkata based MSO's. Whereas some MSO's have been able to announce packages, others are not yet ready with the same even after two years from official implementation of DAS.

ON ACCOUNT BILLING INSTEAD OF DAS BILLING

From mid April 2013 MSO's have raised an ad-hoc invoice with retrospective effect from February 2013, and that the said bill/invoice has been raised on various cable operators as was done in the analogue period but was however to be discontinued after DAS implementation. We protest our anguish against the unilateral action of the MSO's in issuing invoices based on an ad-hoc monthly billing, without any consultation with the cable operators. That the said ad-hoc billing is arbitrary, Illegal, Ultra Vires and contrary to the guide lines and regulations of TRAI as it defeats the very purpose of a complete digital addressable framework. It is also in violation of Sub clause "ze" of "**THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (FOURTH) (ADDRESSABLE SYSTEMS) TARIFF (FIRST AMENDMENT) ORDER 2012 (NO 3 OF 2012)**".

MSOs ARE SWITCHING OFF SIGNAL AND CHANNELS WITH OUT NOTICE.

Further, MSOs are now coercing and blackmailing the operators vide this arbitrary switch off total network of LCO and have started arm-twisting by unilaterally switching off large number of channels to introduce huge amount of ad-hoc invoice/bill to the LCO without any agreement of DAS. This switch off without prior notice, according to the regulations of TRAI, has not only suffered Subscribers rights, liberty and provisions to enjoy Cable TV programs, but also led to several law and order problems. This has been put into the notice of local Police Stations of LCOs and published in the media severally. We have requested the MSOs repeatedly to stop this illegal practice instead of implementation of the provision of package allocation as per the relevant regulations of TRAI.

On the package front, some MSO's have kept the Cable TV Operators in the dark. Without any propaganda regarding package to be adopted by the Subscribers with the Digital Addressable

System, The released packages are neither acceptable to the Subscribers nor up to the level of acclimatization of viewers of Cable TV program since last 23 years of Analogue Cable TV System. In this context, it is evident that the viewers need to pay much more in comparison with the average monthly subscription of Analogue Cable TV System. The Kolkata based MSO are now in practice and sufficiently made them expert to abruptly switching off the most accepted channel and/or channels to the Subscribers.

THE SLOGUN “FREEDOM OF CHOICE”- BECOME LIABILITY AFTER DAS.

In view of the above it can be hypothesize that the Digital rules & regulations of TRAI has been prepared only for the Subscribers and Cable Operators, and in spite of the Digitization Slogan i.e. “FREEDOM OF CONSUMER”, “FREEDOM OF CHOICE “Kolkata based MSO’s have no need to maintain and/or follow the rules & regulations of Digitization. Consequently, the Cable TV will be the status symbol of only few very rich persons in the society in near future and the ultimate aim of Digitization will be much ado about nothing.

REVENUE SHARING.

More so over, digital agreements with a large number of the Cable TV Operators remain unresolved and unsigned until date. The discussion regarding revenue sharing of packages and Carriage Fee of channels has also not been brought onto the table of discussion with the Cable TV

Operators . We apprehend that the MSO’s are trying to digress with the issue of agreement with us, on the point of competition of revenue sharing among the MSO’s. Left without an alternative Cable TV Operators submitted a draft copy of Interconnection Agreement to their respective MSOs.

In the issue of Revenue Sharing of package of LCO’s, our earnest request to you to kindly revise the Revenue Sharing Structure in order to help the LCO’s sustain in this inflated economy. Otherwise, the LCOS who are the main workmanship of Cable TV will have no other alternatives but to leave business arena of Cable TV. The present revenue sharing to the LCOs are enough to create a crisis which may lead to improper service to severe Subscribers and put the lives and liberty of thousands of cable operators along with their staff in danger on the way of unemployment.

SET TOP BOX

Another relevant point worth mentioning is the LCO’s are in horns of dilemma regarding the Set Top Boxes. The Set Top Boxes provided by the MSO’s is not only sub standard but also not conforming to Indian Standard, set by Bureau of Indian Standards. The MSO’s has put both LCO’s and Subscribers in the dark about the warranty period, the salient feature of various schemes for outright purchase or rent or hire purchase. Most of the MSO’s provide a paper of GATE PASS and/or CHALLAN instead of receipt, and the amount received against Set Top Boxes in the head of **ACTIVATION CHARGE** and /or **HARDWARE CHARGE**. MSOs are in practice to charge according their aspiration against repairing of SET TOP BOX without a memo of repairing cost and detail of faulty parts. This type of malpractices of the MSO’s is sufficient to challenge the guideline of TRAI.

STANDARD OF QUALITY SERVICE POSSIBLE BUT IMPRACTICAL IN THE PRESENT SCENARIO.

In these catastrophic circumstances, it is unexpected that Kolkata based MSOs would uphold the Standard of Quality Service as well as issue monthly Bill of Digital Addressable Cable

TV Systems when they are actually retreat from the process of proper implementation of Digitization. Based on the Regulations of TRAI the server and total system of DAS are under the guardianship of MSOs, then unquestionably there is no scope to the Cable TV Operators to raise monthly billing to the Subscribers according the choice of Package of DAS. At the same time, it is also impossible to the Cable TV Operators to maintain Standard of Quality Service of

Digital Addressable Cable TV Systems without receiving the proper and perfect Digital Addressable Cable TV Services from the MSOs

KOLKATA BASED MSO AND “QOS”.

We hope we have sufficiently explained the incapability of Kolkata based MSOs on the point of Quality Service of Digital Addressable Cable TV Systems.

It has been already prove that the Digitization in the part of Kolkata MSO's at every stage and on the subject of their readiness was false and incorrect. Our apprehensions as well as we know it very well that in the near future regarding the unpreparedness and incompetency of MSO's to introduce proper implementation of DAS following the guideline of TRAI will be blamed to the LCOs, what they have done in the past to misguide TRAI and Govt. of India.

OUR URGE.

The media experts have commented that the regulation proposed on your website to implement within 30days is only to maintain the interest of Broadcasters and MSOs.

If the Local Cable TV Operator is unsuccessful in obtaining your kind contemplation then the Local Cable TV Operator will be eliminated from the Cable TV industry. It is well known that the present Cable TV industry is worth of thousands million had been shaped with the Blood and Sweat of thousands of Local Cable TV Operators of our Country

We, therefore, urge to your good self to kindly consider and intervene to the previously mentioned burning issues to expedite the process of Digitization to enable LCO's to be more aggressive under a secure environmental situation.

Thanking you in anticipation and hope to be favored by your kind consideration as well as valued support. Thanking you once again.

Sincerely Yours

APURBA BHATTACHARYA

(SECRETARY)

CABLE OPERATORS SANGRAM COMMITTEE

MOBILE NO: - **09830939813**

Copy forwarded to:-

1. Shri .Prakas Javadekar ,Honourable Minister Information & Broadcasting.
2. Shri Bimal Julka Secretary, Ministry of Information & Broadcasting
3. Dr Rahul Khuller, Chairman, Telecom regulatory Authority of India
4. Mr.R. K. Arnold, Member, Telecom regulatory Authority of India
5. Shri Sudhir Gupta, Secretary, Telecom regulatory Authority of India
6. Shri N. Parameswaran, Principal Advisor (B&CS), Telecom regulatory Authority of India
7. Shri G. S. Kesarwani, Deputy Advisor (B&CS), Telecom regulatory Authority of India