



3rd October, 2023

To,
Anil Kumar Bhardwaj,
Advisor (B & CS),
Telecom Regulatory Authority of India ('TRAI')
Mahanagar Doorsanchar Bhawan,
Jawaharlal Lal Nehru Marg,
New Delhi – 110002

Email: advbcs-2@traigov.in and jtadvbcs-1@traigov.in

Subject: Consultation Paper dated 8th August, 2023 on Review of Regulatory Framework for Broadcasting and Cable Services.

Dear Sir,

We write to you in response to the Consultation Paper promulgated by TRAI on 08/08/2023 on 'Review of Regulatory Framework for Broadcasting and Cable Services' ("**Consultation Paper**").

Please find enclosed herewith our responses to the issues raised by TRAI in the Consultation Paper.

We hope that our submissions shall be considered favorably by TRAI while evaluating changes to be carried out.

Thanking you,

Yours sincerely,
For Culver Max Entertainment Private Limited
(formerly Sony Pictures Networks India Private Limited)

Ashok Nambissan
General Counsel



Encl.: Comments on the Consultation Paper

COMMENTS OF CULVER MAX ENTERTAINMENT PRIVATE LIMITED (FORMERLY SONY PICTURES NETWORKS INDIA PRIVATE LIMITED) TO THE ISSUES RAISED IN THE CONSULTATION PAPER ON REVIEW OF REGULATORY FRAMEWORK FOR BROADCASTING AND CABLE SERVICES (B&CS):

At the outset, we would like to extend our sincere appreciation to the Telecom Regulatory Authority of India (TRAI) for giving us an opportunity to provide our comments to the Issues raised in the present consultation paper.

We acknowledge TRAI's efforts in taking steps towards deregulation and forbearance for consumer choice and driving the sector to furthering quality, growth and innovation. The objective of TRAI is to ensure the interest of consumers, stakeholders, distributors and content producers and ensure there is growth of the sector. Pursuant to the new regulatory regime introduced by TRAI, the consumer has received the benefits of progressive guidance such as (a) continued forbearance on prices of a-la-carte TV channels offered by broadcasters (b) light-touch oversight in respect of the broadcasters' offering of TV channels in their bouquets etc.

Thus, the basic approach of TRAI in regulation has been a light-touch-one. We believe that the market is the best determinant of products and services. As long as there is transparency and non-discrimination, we feel that there may not be a need for TRAI to intervene in most of the aspects governing the broadcasting industry.

However, we feel there is still some scope for further deregulation, which would enable growth of the industry. For example, the existing TRAI regulations still prescribes the manner in which the broadcasters are to price their bouquets, including the composition of channels forming part of the bouquets. Further, Pay and FTA channels are not allowed to form part of the same bouquet. TRAI has in the Explanatory Memorandum to the Tariff Order dated November 22, 2022 acknowledged the benefits of bundling and we feel that TRAI should look at further deregulation with respect to the pricing and packaging of TV channels by broadcasters.

TRAI itself has acknowledged that "it would be best if the industry moved towards forbearance together. It would be best for market forces to take over completely."

It is also pertinent to note that in its recommendations dated October 1, 2004, TRAI also recommended a sunset date for all price regulations once there is sufficient competition in the market and TRAI had asserted that as soon as there is evidence that effective competition exists in a particular area price regulation will be withdrawn.

Further, TRAI in its recommendations on "Market Structure/Competition in Cable TV services" dated September 7, 2022 opined that there is sufficient competition in the market. Thus, given the fact that the market has sufficient competition, we would recommend the removal of the restrictions imposed on channel price caps, ceilings, discount caps and restrictions in the formation of bouquets for both broadcasters as well as DPOs and allow the service providers to fix the prices of their TV channels and distribution service. TRAI's endeavour has always been to ensure that the choice always lies in the hands of the consumer and such deregulation will further benefit the consumers.



You would appreciate that the linear television industry has already been affected by the exponential growth of various digital platforms, which offers consumers more choices for consumption of content whereby we have seen a sharp decline in the television subscriptions and steep growth in the digital subscriptions. Hence, any excessive regulation proposed by TRAI at this stage would hinder the growth of the Television Industry.

As recognized by TRAI, there is enough competition in the sector, which will ensure that the prices remain competitive. Hence TRAI's focus should be to ensure a better quality of services to be provided by the service provider for the benefits of the end-consumers and imposing remedial measures in case of any complaints against deficiency of service by any service providers.

Hence we highly recommend that TRAI should look into further de-regulating the sector as stated aforesaid and allow the competitive market forces to play for the benefit of all the stake holders.

In the light of the aforesaid aspects, we are providing our response to the issues raised in the Consultation Paper as mentioned hereinbelow:

Proposed consultation issue by TRAI	CME comments																														
<p>Q1. Should the present ceiling of Rs.130/- on NCF be reviewed and revised?</p> <p>a) If yes, please provide justification for the review and revision.</p> <p>b) If yes, please also suggest the methodology and provide details of calculation to arrive at such revised ceiling price.</p> <p>c) If not, provide reasons with justification as to why NCF should not be revised.</p> <p>d) Should TRAI consider and remove the NCF capping?</p>	<p>Presently, Network capacity fee per month for network capacity upto initial two hundred channels is Rs 130/- excluding taxes. And for more than two hundred channels, is Rs 160/- excluding taxes</p> <p>As mentioned earlier since we are advocating de-regulation/ light-touch regulatory framework, we are of the view that TRAI can evaluate the possibility of factoring the NCF in the channel price itself.</p> <p>Following table enumerates the present NCF charged by some of the top DPOs</p> <table border="1" data-bbox="639 1406 1430 1921"> <thead> <tr> <th>DPO</th> <th>Pack Name</th> <th>Pack Price (Inc Tax)</th> <th>Pack Price (Excl. Tax)</th> <th>Top Broadcaster BQ Total</th> <th>NCF</th> </tr> </thead> <tbody> <tr> <td>Tata Play</td> <td>Hindi Super Value</td> <td>259</td> <td>219</td> <td>148</td> <td>72</td> </tr> <tr> <td>Airtel</td> <td>Hindi Basic</td> <td>209</td> <td>177</td> <td>106</td> <td>71</td> </tr> <tr> <td>Videocon D2H /Dish TV</td> <td>Hamara Hindi</td> <td>225</td> <td>191</td> <td>153</td> <td>37</td> </tr> <tr> <td>Dish TV</td> <td>Budget Delight</td> <td>229</td> <td>194</td> <td>138</td> <td>56</td> </tr> </tbody> </table>	DPO	Pack Name	Pack Price (Inc Tax)	Pack Price (Excl. Tax)	Top Broadcaster BQ Total	NCF	Tata Play	Hindi Super Value	259	219	148	72	Airtel	Hindi Basic	209	177	106	71	Videocon D2H /Dish TV	Hamara Hindi	225	191	153	37	Dish TV	Budget Delight	229	194	138	56
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	<ul style="list-style-type: none"> • A lot of large DPO packs (most penetrated) have NCF at ~50% (as shown in the table above). Hence the question of a need to increase the NCF does not arise. • Most products that we buy offline/ online have the fixed and variable cost accounted for in the price of the product. Similarly, we can look at including NCF as part of the channel price itself. • To accommodate NCF in the channel pricing, TRAI can increase the ceiling on the cap of channel price. We can also increase the DPO's share from 35% (20% Distribution Fee and 15% Incentives/ Discounts) to a higher percentage. • To accommodate free channels, the DPOs can ask for a delivery charge if the subscribed pay channels are less than 10. Anything above that will have a free delivery. Alternatively, there can be a slab wise delivery charge. e.g., Customer A subscribes to 20 free channels + 3 pay channels, then he pays for 3 pay channels and a delivery charge of Rs 100 (say) Customer B subscribes to 20 free channels + 8 pay channels, then he pays for 8 pay channels and a delivery charge of Rs 50 (say) Customer C subscribes to 20 free channels + 15 pay channels, then he pays for 15 pay channels and zero delivery charge. <p>We are of the view that by doing the aforesaid, any increase in the price of a channel leads to an increase in value for all stakeholders.</p>
<p>Q2. Should TRAI follow any indices (like CPI/WPI/GDP Deflator) for revision of NCF on a periodic basis to arrive at the revised ceiling? If yes, what should be the periodicity and index? Please provide your comments with detailed justification.</p>	<p>Refer our comments in Q1 above.</p>
<p>Q3. Whether DPOs should be allowed to have variable NCF for different bouquets/plans for and within a state/ City/ Town/ Village? If yes, should there be some defined parameters for such variable NCF? Please provide detailed reasons/ justification. Will</p>	<p>No, as this will add another layer of complexity for the DPOs providing signals to different economic geographies.</p> <p>Since the MRP of the channel price have been fixed across the Country, the NCF too should be same throughout to keep the packaging simpler.</p>



<p>there be any adverse impact on any stakeholder, if variable NCF is considered?</p>	
<p>Q4. Should TRAI revise the current provision that NCF for 2nd TV connection and onwards in multi-TV homes should not be more than 40% of declared NCF per additional TV?</p> <p>a) If yes, provide suggestions on quantitative rationale to be followed to arrive at an optimal discount rate.</p> <p>b) If no, why? Please provide justification for not reconsidering the discount.</p> <p>c) Should TRAI consider removing the NCF capping for multi TV homes? Please provide justification?</p>	<p>Presently, the network capacity fee, per month, for each additional TV connection, beyond the first TV connection in a multi TV home shall, in no case, exceed forty percent of the declared network capacity fee</p> <p>Please refer to our comments to Q1 above. The earlier suggestion of factoring NCF to the product price solves this as well. Once the product is delivered (with/ without delivery charge), no more cost should be charged to the consumer.</p> <p>It is pertinent to note that post the Tariff order coming into existence, the rate of fall in multi-TV households is much higher. Any NCF on 2nd TV will further accelerate cord cutting in terms of cancelling their subscriptions to multi-channels.</p>
<p>Q5. In the case of multi-TV homes, should the pay television channels for each additional TV connection be also made available at a discounted price?</p> <p>a) If yes, please suggest the quantum of discount on MRP of television channel/ Bouquet for 2nd and subsequent television connection in a multi-TV home. Does multi-TV home or single TV home make a difference to the broadcaster? What</p>	<p>There should not be any discount on the price of the channel/ bouquets from the broadcaster for additional TV connection. Post the tariff order implementation, the second TV is mostly used for subscribing different set of channels specific to separate members of the family (for example – Primary TV has GEC, Movies and Sports whereas the second TV is for kids and has only Kids channels). In such case, the channels are not duplicated and hence the question of price reduction does not arise.</p> <p>It is pertinent to note that the second TV connection is bought only by affordable households who can afford paying the subscription fees. Hence there is no question of offering the television channels for such additional TV at a discounted rate.</p> <p>Moreover, additional TV connection data is not provided by the DPOs to broadcasters. Even if they provide the same, it will be difficult for the broadcaster to validate the ownership of 2nd TV connection. As such, this may result such data being misused thereby exposing the broadcaster to loss of subscription revenue.</p>



<p>mechanism should be available to pay-channel broadcasters to verify the number of subscribers reported for multi-TV homes?</p> <p>b) If not, the reasons thereof?</p>	
<p>Q6. Is there a need to review the ceiling on discount on sum of MRP of a-la-carte channels in a bouquet (as prescribed through the second proviso to clause 4 (4) of the Tariff Order 2017) while fixing the MRP of that bouquet by DPOs?</p> <p>a) If yes, what should be the ceiling on such discount? Justify with reasons.</p> <p>b) If not, why? Please provide justification for not reviewing the ceiling</p>	<p>Presently there is a 15% ceiling of discount while fixing the distributor retail price.</p> <p>As stated earlier, we would want a light-touch regulatory framework whereby a broadcaster is able to grant complete freedom to the operator to fix their Distributor Retail Price. However, to ensure a level playing field to all operators, a ceiling may be preferable and if that be so the existing ceiling of 15% is reasonable.</p>
<p>Q7. Whether the total channel carrying capacity of a DPO be defined in terms of bandwidth (in MBPS) assigned to specific channel(s). If yes, what should be the quantum of bandwidth assigned to SD and HD channels. Please provide your comments with proper justification and examples.</p>	<p>Yes, the total channel carrying capacity of a DPO be defined in terms of bandwidth (in Mbps) allocated to specific channel(s).</p> <p>Quantum of bandwidth assigned to any channel depends on the type of channel, like if a normal SD channel with indoor content like news room, TV serials etc consume less bandwidth, whereas outdoor events like sports, races etc contain faster movements of objects, so demand for bandwidth is more in such cases. Hence, we feel that ideally 2 to 3 Mbps bandwidth is required for SD channels.</p> <p>In case of HD channels, be it 1280 X 720 resolution or 1920 X 1080, the bandwidth requirement for good reception is higher. Minimum requirement of bandwidth for HD channels is around 6 to 8 Mbps. Bitrate is the amount of data transmitted over a network during a given period of time. Streaming at higher bitrates yields higher quality streams but at the same time consumes a large chunk of bandwidth.</p>



	<p>In view of the foregoing we feel that the following should be the quantum of bandwidth assigned for SD & HD Channels:</p> <p>SD Channels- 2-3 Mbps</p> <p>HD Channels- 6-8 Mbps</p>
<p>Q8. Whether the extant prescribed HD/SD ratio which treats 1HD channel equivalent to 2SD channels for the purpose of counting number of channels in NCF should also be reviewed?</p> <p>a) If yes, should there be a ratio/quantum? Or alternatively should each channel be considered as one channel irrespective of its type (HD or SD or any other type like 4K channel)? Justify with reasons.</p> <p>b) If no, please justify your response.</p>	<p>Existing norm 1HD channel is equal to 2SD channels need not be changed for NCF channel counts.</p> <p>Since the bandwidth requirement of SD and HD stands at 2 to 3 Mbps and 6 to 8 Mbps respectively for SD and HD, the review of the prescribed HD/SD ratio doesn't arise.</p>
<p>Q9. What measures should be taken to ensure similar reception quality to subscribers for similar genre of channels? Please suggest the parameter(s) that should be monitored/ checked to ensure that no television channel is discriminated against by a DPO. Please provide detailed response with technical details and justification.</p>	<p>DPOs should adhere to the requisite technical parameters.</p> <p>Regular QoS audits as laid by the Authority to be carried out by a competitive agency and submit the reports to all the stake holders. Quality of reception of all the channels as prescribed in QoS should be maintained all the time. Frequent checks on the given parameters like signal strength in decibel, bit rate etc to be measured at different locations by the competitive agencies and keep the record of the same to decide the compliance.</p> <p>Monthly compliance reports with parameters to be submitted by DPOs to TRAI. The same should be put on TRAI's website, which can be accessed by Broadcasters. If Broadcaster observes any discrepancy at the time of checking the parameters on ground, they should intimate TRAI and TRAI should have provision to penalise the DPO for each such instance.</p>
<p>Q10. Should there be a provision to mandatorily provide the Free to Air News /</p>	<p>DPOs should mandatorily carry very limited channels only comprising of Prasar Bharati national channels and one Prasar</p>



<p>Non-News / Newly Launched channels available on the platform of a DPO to all the subscribers?</p> <p>a) If yes, please provide your justification for the same with detailed terms and conditions.</p> <p>b) If not, please substantiate your response with detailed reasoning.</p>	<p>Bharati regional channel specific for that region. This would limit the mandatory channels maximum to 5-6.</p> <p>In case of any other free channels, customer should be given a choice to select the said channels. This would limit the consumption of unnecessary bandwidth and make the consumer viewing experience better.</p>
<p>Q11. Should Tariff Order 2017, Interconnection Regulations 2017 and Quality of Service Regulations 2017 be made applicable to nonaddressable distribution platforms such as DD Free Dish also?</p>	<p>No.</p> <p>Prasar Bharati, is a statutory autonomous body established under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990 (“Prasar Bharati Act”).</p> <p>Prasar Bharati brings its own and select television channels of private broadcasters to the households of millions of ordinary citizens, mostly in rural areas and small towns, through its free DTH platform, who cannot afford to pay subscription. Thus, the “target audience” of DD Free Dish is entirely different vis-à-vis that of private DTH operators. The DD Free Dish audience does not cannibalise the pay audience of private DTH operators. DD Free Dish is for public welfare and to fulfil the objectives laid down in Section 12 of the Prasar Bharati Act.</p> <p>The Interconnect Regulations are aimed at regulating the ‘must provide’ mandate as prescribed under Regulation 3, i.e., if a distributor makes a request, the Broadcaster “must provide” its channels to it and further must do so on a non-discriminatory basis. It also mandates that the broadcaster must publish Reference Interconnect Offer (“RIO”) for the distributor to avail service. Prasar Bharati neither subscribes to the RIO of the Broadcaster nor publishes its own RIO as mandated for other private distribution platform operators under the extant TRAI Regulations . Prasar Bharati operates under a completely different regime and does not demand the channels of the broadcasters. Neither does Prasar Bharati opt for the channels under the RIO published by the Broadcasters. The Interconnect Regulations lay down the steps to be taken by the broadcaster and the distributor of television channels which culminates in Interconnect Agreement being executed between broadcaster and private distributor. Pertinently, no such steps are required to be taken by Prasar Bharati for availing the channels of the broadcaster.</p> <p>The Interconnect Regulations are not aimed at regulating Prasar</p>



	<p>Bharati which carries out public service functions. Prasar Bharati has always been considered as a distinct and special entity by various legislations in India. Some of the examples are as stated herein below:</p> <p>(A) <u>Cable Television Networks (Regulation) Act, 1995</u> Under Section 8 of the said Act, the Central Government has the power to notify channels operated by Prasar Bharati to be mandatorily aired by private DTH operators.</p> <p>(B) <u>Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007</u> The said Act is a special statute that has been enacted with the specific aim to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance <i>through mandatory sharing of sports broadcasting signals with Prasar Bharati</i>. It is submitted that no other DTH operator has been given such special status. While the sporting events of national importance are provided on a Free to Air (“FTA”) basis to DD Free Dish, no such treatment is meted to private distributors.</p> <p>Hence the Tariff Order 2017, Interconnection Regulations 2017 and Quality of Service Regulations 2017 should continue to be applicable only to “Addressable Distribution Platforms” and not extended to DD Free Dish.</p>
<p>Q12. Should the channels available on DD Free Dish platform be mandatorily made available as Free to Air Channels for all the platforms including all the DPOs?</p>	<p>No. The channels available on DD Free Dish platform should not be mandatorily made available as Free to Air Channels for all the platforms including all the DPOs.</p> <p>Only FTA channels declared by the Broadcasters should be made available free on all distribution platforms. In view of the sui generis status of Prasar Bharati and the objective of public welfare for which Prasar Bharati has been constituted as enshrined in Section 12 of the Prasar Bharati Act, Prasar Bharati and private distribution platform operators (“DPOs”) cannot be equated and have to be necessarily treated on a completely different footing. Prasar Bharati is a distinct entity vis-à-vis other private distribution platform operators since it is not similarly placed either under law or regulatory regime.</p> <p>It is pertinent to note that the Ministry of Information and Broadcasting through its notification dated 21.10.2022 No.41412013-BP&L. Vol.III have disallowed State-owned entities from operating as a broadcaster and distributor w.e.f. 31.12.2023. However, the said notification carves out an exception for Prasar Bharati (Refer Paras 6 to 11). Thus, this again goes to prove the sui generis status of Prasar Bharati.</p>



Hence, “pay channels” of Broadcasters which are on DD Free Dish cannot be made available as Free to Air Channels for other DPOs.

DD Free Dish does not charge any subscription fee from subscribers for providing any channels which are there on its platform. Its subscriber has to incur only a nominal one-time fee in securing/buying a set top box from the open market to receive the signal.

It is pertinent to note that Prasar Bharati on 07.06.2011 approved an e-auction policy for placement of private channels on the then DD Direct+ Platform in compliance with the direction of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) judgment dated 16.12.2010 in ***Zee Turner Ltd V/s Prasar Bharati (2010) SCC Online TDSAT 935***. The regime followed by Prasar Bharati is that it charges a slot fee to the Broadcaster for allotting slots on its satellite to carry (not for subscription) the channel on its platform, as per Prasar Bharati’s legislative mandate. The slots on DD Direct are auctioned by Prasar Bharati Corporation, whereby the interested private broadcasters participate in the auction and the highest bidder in a particular genre as determined by Prasar Bharati is allotted a channel slot on payment of slot fees. Prasar Bharati do not pay any licensing/subscription fees to the broadcasters since it is a public broadcaster constituted under an Act of Parliament. There is no requirement of executing a subscription agreement (Reference Interconnect Offer Agreement/RIO) with Prasar Bharati for offering of broadcaster’s channels on its platform. Prasar Bharti only carries those private channels of a private broadcaster, that are successful in the e-auction. Pertinently, mere participation in the e-auction does not guarantee a slot on DD Direct+, as compared to the regime under the Interconnect Regulations, where a broadcaster must provide to a distributor on request i.e., the must provide regime is not applicable to Prasar Bharti.

The objective of Prasar Bharati Corporation (which is a Public Broadcaster) as laid out in the Prasar Bharati Act, 1990 inter alia states as follows:

- To safeguard the citizen’s right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and to present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own.
- To provide adequate coverage to diverse cultures, sports and games and youth affairs.
- To promote research and expand broadcasting faculties & development in broadcast technology.

The Target Audience of Prasar Bharati’s DD Free Dish is primarily



	<p>people living in rural areas and remote regions of India where cable television is not readily available and/or where people cannot afford to pay for pay TV channels.</p> <p>DD Free Dish caters to the weaker sections of the Society who cannot afford paying subscription fees for channels. It offers a wide range of FTA channels along with certain pay channels which are offered by broadcasters who participates in the auction process and are declared successful basis their bids.</p>
<p>Q13. Whether there is a need to consider upgradation of DD Free Dish as an addressable platform? If yes, what technology/ mechanism is suggested for making all the STBs addressable? What would be the cost implications for existing and new consumers? Elaborate the suggested migration methodology with suggested time-period for proposed plan. Please provide your response, with justification.</p>	<p>No.</p> <p>There is no need to consider upgradation of DD Free Dish as an addressable platform. As stated aforesaid, DD Free Dish caters to the needs of the weaker sections of the Society who cannot afford channels offered by private cable or DTH operators. Any attempt to consider upgradation and alter the DD Free Dish into addressable platform will deprive these weaker section from enjoying the content offered by DD Free Dish free of cost, which will defeat the very purpose for which Prasar Bharati was constituted.</p>
<p>Q14. In case of amendment to the RIO by the broadcaster, the extant provision provides an option to DPO to continue with the unamended RIO agreement. Should this option continue to be available for the DPO?</p> <p>a) If yes, how the issue of differential pricing of television channel by different DPOs be addressed?</p> <p>b) If no, then how should the business continuity interest of DPO be protected?</p>	<p>Comments on Q14, Q15 and Q16:</p> <p>The DPOs should be made to migrate on to the new RIO.</p> <p>To avoid operational complexity as well as differential pricing, there should be a common end date of the RIO preferably 31st March being the financial year end.</p> <p>To prevent operational complexity at the DPO's end, all broadcaster's should be allowed to change their RIO twice a year with a minimum gap of 6 months. However this cap of twice a year should not be considered where an amendment in the RIO is necessitated because of the broadcaster either discontinuing any of its channels or launching a new channel, in which case the particular broadcaster should be at a liberty to come out with an amended RIO as and when required.</p>
<p>Q15. Sometimes, the amendment in RIO becomes expedient due to amendment in extant Regulation/ Tariff</p>	



<p>order. Should such amendment of RIO be treated in a different manner? Please elaborate and provide full justification for your comment.</p>	
<p>Q16. Should it be mandated that the validity of any RIO issued by a broadcaster or DPO may be for say 1 year and all the Interconnection agreement may end on a common date say 31st December every year. Please justify your response.</p>	
<p>Q17. Should flexibility be given to DPOs for listing of channels in EPG?</p> <p>a) If yes, how should the interest of broadcasters (especially small ones) be safeguarded?</p> <p>b) If no, what criteria should be followed so that it promotes level playing field and safeguard interest of each stakeholder?</p>	<p>DPOs have flexibility in listing channels within a genre. But there should be a standard listing in EPG for subscriber convenience and safeguard broadcaster's interest.</p> <p>For better viewing experience for consumers, the listing should start with language followed by genre rather than the other way round, which is prevalent today.</p> <p>Since regional preference is far higher than genre preference, this methodology of listing would be more widely accepted.</p> <p>e.g., A Hindi viewer will directly go to Hindi language followed by GEC/ Movies/ Music. In such a case, he is not bothered by the numerous south regional GEC channels that currently follows Hindi GEC channels.</p> <p>In addition to the above, there should be a separate section on Multiple languages. This section will mostly have Infotainment, Kids and Sports channels which are available in multiple languages.</p> <p>Multiple languages channels can alternatively be part of a particular language section provided they declare that language as its primary language.</p>
<p>Q18. Since MIB generally gives permission to a channel in multiple languages, how the placement of such channels may be regulated so that interests of all stakeholders are protected?</p>	<p>Refer our comments to Q 17</p>



<p>Q19. Should the revenue share between an MSO (including HITS Operator) and LCO as prescribed in Standard Interconnect Agreement be considered for a review?</p> <p>a) If yes:</p> <p>i. Should the current revenue share on NCF be considered for a revision?</p> <p>ii. Should the regulations prescribe revenue share on other revenue components like Distribution Fee for Pay Channels, Discount on pay channels etc.? Please list all the revenue components along-with the suggested revenue share that should accrue to LCO.</p> <p>Please provide quantitative calculations made for arriving at suggested revenue share along-with detailed comments /justification.</p> <p>b) If no, please justify your comments.</p>	<p>No comments</p>
<p>Q20. Should there be review of capping on carriage fee?</p> <p>a) If yes, how much it should be so that the interests of all stakeholders be</p>	<p>Presently, the rate of carriage fee per SD channel per subscriber per month to be declared by a distributor of television channels shall not exceed twenty paisa and the total carriage fee payable for such television channel per month, by a broadcaster to a distributor shall not exceed Rs. four lakhs</p>



<p>safeguarded. Please provide rationale along with supporting data for the same.</p> <p>b) If no, please justify how the interest of all stakeholders especially the small broadcasters can be safeguarded?</p>	<p>Further, the rate of carriage fee per HD channel per subscriber per month to be declared by a distributor of television channels shall not exceed forty paisa and the total carriage fee payable for such television channel per month, by a broadcaster to a distributor, shall not exceed Rs. eight lakhs</p> <p>We believe that the aforesaid existing provisions in respect of the carriage fee is sufficient and there is no requirement to review the same at this stage.</p>
<p>Q21. To increase penetration of HD channels, should the rate of carriage fee on HD channels and the cap on carriage fee on HD channels may be reduced. If yes, please specify the modified rate of carriage fee and the cap on carriage fee on HD channels. Please support your response with proper justification.</p>	<p>Refer our comments to Q 20</p>
<p>Q22. Should TRAI consider removing capping on carriage fee for introducing forbearance? Please justify your response.</p>	<p>As stated earlier we advocate de-regulation. However, forbearance if introduced, must be done in totality including in respect of pricing and discounts to be offered by the Broadcasters and cannot be selectively carried out only in respect of carriage fee i.e. forbearance should be applicable across the entire distribution eco system and not just confined to carriage fee to be charged by the DPOs.</p>
<p>Q23. In respect of DPO's RIO based agreement, if the broadcaster and DPO fail to enter into new interconnection agreement before the expiry of the existing agreement, the extant Interconnection Regulation provide that if the parties fail to enter into new agreement, DPO shall not discontinue carrying a television channel, if the signals of such television channel remain available for distribution and the monthly subscription percentage for that television channel is more than twenty percent of the</p>	<p>The existing provision in this regard is fine.</p>



<p>monthly average active subscriber base in the target market. Does this specified percentage of 20 percent need a review? If yes, what should be the revised prescribed percentage of the monthly average active subscriber base of DPO. Please provide justification for your response.</p>	
<p>Q24. Whether the extant charges prescribed under the 'QoS Regulations' need any modification required for the same? If yes, justify with detailed explanation for the review of:</p> <ol style="list-style-type: none"> a) Installation and Activation Charges for a new connection b) Temporary suspension of broadcasting services c) Visiting Charge in respect of registered complaint in the case of DTH services d) Relocation of connection e) Any other charges that need to be reviewed or prescribed. 	No comments
<p>Q25. Should TRAI consider removing capping on the above-mentioned charges for introducing forbearance? Please justify your response.</p>	Refer our comment to Q22
<p>Q26. Whether the Electronic Programme Guide (EPG) for consumer convenience should display</p> <ol style="list-style-type: none"> a) MRP only b) MRP with DRP alongside c) DRP only? 	The Electronic Programme Guide should display MRP only as consumers are indifferent as to the DRP hence DRP not required to be displayed



<p>Justify your response by giving appropriate explanations.</p>	
<p>Q27. What periodicity should be adopted in the case of pre-paid billing system. Please comment with detailed justification.</p>	<p>No comments</p>
<p>Q28. Should the current periodicity for submitting subscriber channel viewership information to broadcasters be reviewed to ensure that the viewership data of every subscriber, even those who opt for the channel even for a day, is included in the reports? Please provide your comments in detail.</p>	<p>Yes. existing periodicity of providing MSRs on 7th, 14th, 21st and 28th of every month should be done away with. Consumer should be billed even for a day if services have been availed for one day and the same should also be reported in the DPO's MSRs.</p> <p>Maximum count of active subscribers for a-la-crate and bouquets in a particular month should be provided by the DPOs to the broadcasters.</p> <p>Currently, some DPOs offer the provision of selecting a channel for a day/week to consumers. This is like a pay-per-view model. However, Broadcaster receives money for a consumer only if he has subscribed to the channel/ bouquet on 7th/14th /21st or 28th of the month. Hence the broadcaster's face a revenue leakage. To remove this fallacy, operators should charge the consumer for a full month even if the consumer has availed the channel for a day/week. This is like a monthly mobile plan or any other subscription e.g., OTT. The DPO should provide the maximum count of channel/ Bouquet subscribers to the broadcaster across the month. Hence, to avoid any revenue leakage, the broadcaster should calculate the maximum subscribers across a month rather than the prevailing practice of taking the average of 4 weeks.</p>
<p>Q29. MIB in its guidelines in respect of Platform Services has <i>inter-alia</i> stated the following:</p> <ul style="list-style-type: none"> a) The Platform Services Channels shall be categorised under the genre 'Platform Services' in the EPG. b) Respective MRP of the platform service shall be displayed in the EPG against each platform service. c) The DPO shall provide an option of activation 	<p>In respect of Q29 (a) and (b)– Platform Services should be a separate category.</p> <p>As regards Q 29 (c) - the DPO should be provided an option of activation /deactivation of platform services.</p>



<p>/deactivation of platform services.</p> <p>In view of above, you are requested to provide your comments for suitable incorporation of the above mentioned or any other provisions w.r.t. Platform Services channels of DPOs in the 'QoS Regulations'.</p>	
<p>Q30. Is there a need to re-evaluate the provisions outlined in the 'QoS Regulations' in respect of:</p> <p>a) Toll-free customer care number b) Establishment of website c) Consumer Corner d) Subscriber Corner e) Manual of Practice f) Any other provision that needs to be re-assessed</p> <p>Please justify your comments with detailed explanations.</p>	<p>No comments</p>
<p>Q31. Should a financial disincentive be levied in case a service provider is found in violation of any provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations?</p> <p>a. If yes, please provide answers to the following questions:</p> <p>i. What should be the amount of financial disincentive for respective service provider? Should there be a category of major/ minor</p>	<p>We would like to highlight the following provisions which DPOs tend to be in violation of –</p> <ol style="list-style-type: none"> 1. Non submission of the self-audit for each calendar year as per the TRAI Regulation, clause 15 (1) 2. Non submission of Monthly Subscriber Reports (MSR) on time. As per the Regulation each DPO should submit the MSR BY 7th of the month for previous month 3. Non-submission of all TRAI / MIB mandated information periodically 4. Not maintaining the norms of QoS as detailed on the Regulation. 5. Despite the Auditor's remarks on the non-sync of SMS and CAS data, unavailability of mandated reports from CAS/SMS the DPO is refusing to adhere to the Regulation. <p>TRAI should look at imposing financial disincentives including cancelation of the license (in appropriate cases) and the same can be weighed depending on the nature of violation and frequency of</p>



<p>violations for prescription of differential financial disincentive? Please provide list of such violation and category thereof. Please provide justification for your response.</p> <p>ii. How much time should be provided to the service provider to comply with regulation and payment of financial disincentive. and taking with extant regulations/tariff order?</p> <p>iii. In case the service provider does not comply within the stipulated time how much additional financial disincentive should be levied? Should there be a provision to levy interest on delayed payment of Financial Disincentive?</p> <p>1. If yes, what should be the interest rate?</p> <p>2. In no, what other measures should be taken to ensure recovery of financial disincentive</p>	<p>such violation and the rectification measures (if any) taken by the concerned DPO.</p>
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<p>and regulatory compliance?</p> <p>iv. In case of loss to the consumer due to violation, how the consumer may be compensated for such default?</p> <p>b. If no, then how should it be ensured that the service provider complies with the provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations?</p>	
<p>Q 32. Any other issues</p>	<ul style="list-style-type: none"> • Pay and FTA channels to be allowed to be bundled in the bouquet. • QOS compliance to be monitored and strictly implemented. • Portability from consumers perspective to be evaluated. • DPOs have started providing second/ multiple landing page to consumers. While this serves as a good marketing tool for the DPO to increase their revenues and a good tool for Broadcaster to increase their channel sampling, however this becomes a big hinderance to consumer choice and flexibility. A consumer cannot go to the channel she/ he prefers to watch despite subscribing to the channel for at least 20-25 seconds as they must traverse through multiple pages. This will only accelerate the decline rate of pay TV universe.

