

10th October 2023

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

**Sub: Response of Dish TV India Limited to Consultation Paper on Review
of Regulatory Framework for Broadcasting and Cable services**

Dear Sir,

We hereby submit our response to the TRAI Consultation Paper
Dated 8th August 2023 on Review of Regulatory Framework for Broadcasting
And Cable services.

Please find enclosed the same.

Thanking you,

Yours truly,
For Dish TV India Limited

Authorized Signatory

Enclosed: as above

Response of Dish TV India Limited to the Consultation Paper on Review of Regulatory Framework for Broadcasting and Cable services

We, Dish TV India Limited, at the very outset, express our sincere thanks to the Authority for having brought the current Consultation Paper (hereinafter “CP”). The CP has come at a time when the Authority has just sent its recommendation on the License Fee issue which has long been affecting the DTH industry adversely. The DTH industry has witnessed multiple litigations involving all the DTH operators and such litigations are continuing in various courts of the country.

While we welcome the Authority for the recent recommendations, however it has fallen short of our expectations as the changes in the license fee conditions has been prescribed prospectively. It may be appreciated discrimination in the license fee conditions vis-à-vis the DTH operators has been in existence since the very beginning and therefore any corrective measure w.r.t the same has to be made effective for the entire period for which such discrimination has affected the DTH operators adversely.

In addition to the above, there are other issues which are being faced by all the DPOs and despite numerous effort for a long time. We therefore take this opportunity to highlight those issues as under:

1. Immediate requirement to bring OTT platform within the ambit of the new framework:

The policy guidelines for up-linking and downlinking of channels as well as the TRAI regulations requires the broadcasters to provide its

channels to the distribution platform operators. These provisions have not been made applicable to OTT players. It is matter of record that the DPOs have been making repeated requests to MIB and TRAI to bring OTT players within the ambit of TRAI regulations, however no steps have been taken in this regard. Taking benefits of the same, the Broadcasters, under the garb of the OTT services, are bypassing the regulatory provision(s) and are directly distributing there channels. Broadcasters are getting away by contending that the OTT Services are not channels and hence they do not require any license for these services.

We must appreciate that content being provided by the broadcasters at negligible to nil cost as compared to the charges being charged by the DPOs from the subscribers under the TRAI regulatory regime. This is being done with an intention to create a captive subscriber base and create a monopolistic situation. Because of almost 'free of cost' provision of the content by the broadcasters through OTT services, other distributor of TV Channels are heavily prejudiced. This method of streaming of content by the broadcasters directly to the customers, bypassing all the intermediaries in effect threatens the existence of the other distribution platforms.

We strongly believe that the ultimate objective of the regulations cannot be achieved until and unless the OTT platforms are brought within the ambit of the TRAI regulations. The Authority must take cognizance of the need of the hour and take proactive steps towards this direction as any delay with respect to the same will only perpetuate the wrong being committed by the broadcasters under the garb of the same.

The above has resulted in huge loss in terms of business opportunities for DPOs. We would thus again urge that all OTT

players should be brought under the ambit of the TRAI regulations now as the OTT industry is now well passed its diaper stage and is now robust enough to sustain its growth path and it's about time it too should be regulated to enable a level playing field and to ensure a free and fair atmosphere for all M&E Industry's DPO's, and to ensure an orderly growth of the sector.

It is therefore imperative that

- a. OTT players should be declared as distribution platform operators and should be brought within the IPTV Regulation with necessary modifications, if required, and the TRAI regulation should be made applicable to them like other distribution platform operators.
- b. Broadcasters should be restrained from directly districting their channels through their 'own' OTT platform

2. Applicability of uniform laws on DD Direct plus DTH platform

Differential treatment being given to DD Direct plus DTH Platform is another glaring problem for the industry. It is indeed surprising that despite clearly being a 'Service Provider' in terms of the TRAI Act, 1997, which is further declared so by the Hon'ble TDSAT on more than one occasion, DD Direct Plus DTH platform is carrying and distributing the channels in a manner which is in clear deviation of the TRAI Regulations.

It may be stated in this regard that while one of the primary objectives of creation of Prasar Bharti was to pay special attention to the fields of education and spread of literacy, agriculture, rural development, environment, health & family welfare and science & technology, this very approach of Prasar Bharti of carrying pay

channel after hefty carriage fee and then distributing the same without any cost to the consumers is diluting the very same objective which has caused huge damage to the private DTH players.

It is a matter of the record that Hon'ble TDSAT in the Petition No. 183(C) of 2008 titled as Total Telefilms Private Limited and Prasar Bharti and Anr. has held that Prasar Bharti is a 'Service Provider' within the meaning of the Telecom Regulatory Authority of India Act, 1997 which is defined under Section 2(j) of the Act.

This position was further reiterated by the Hon'ble TDSAT in its recent judgment dated 11.04.2023 in the Broadcasting Petition No. 324 of 2017 titled as Videocon D2H Limited vs Culver Max Entertainment Pvt. Ltd. wherein the Hon'ble Tribunal held that DD Free Dish of Prasar Bharti is a 'licensee' and a 'service provider' under the TRAI Act 1997, and Interconnection Regulations made thereunder. Relevant extract from the said judgment is reproduced as under:

“.....
.....

The explanatory memorandum to the Telecommunication (Broadcasting and Cable) Services (Eight) (Addressable Systems) Tariff Order, 2017 is of no persuasive value on account of the fact that the said Tariff Order has failed to discuss the Total Telefilms Judgement (supra) delivered by this Tribunal.

.....
.....

Meaning thereby considering the relevant legislation, Prasar Bharti Act, TRAI Act, Judgement of Hon'ble Apex Court and Indian Telegraph Act, this Tribunal has held and propounded that Prasar Bharti is a licensee and is a service provider, like other service providers. Hence, the very contention that there

is no requirement of license for Doordarshan / Prasar Bharti is of no avail. As DD Free Dish/Prasar Bharti is like other service provider i.e., Petitioner, and is amenable to laws and regulations promulgated under TRAI Act. In terms of Clause 3.2 of Interconnect Regulations of 2004, 2012 and presently 2017, Broadcasters like the Respondent is under and obligation to make available their channels on non-discriminatory basis.

.....
.....”

In view of the above, nothing remains for any discussion to contend or allege anything otherwise. For the sake of clarity, one may argue that the matter is pending before the Hon’ble Supreme Court of India, however it is a matter of record that no stay has been passed by the Hon’ble Court on the judgment passed by the Hon’ble TDSAT.

Even otherwise, there are various other legal position which also prescribes that no extra favour can be claimed by the government entity when it is private business and competing with private players which are enumerated as under:

Section 2 (h) of the Competition Act, 2002 defines an ‘enterprise’ as under:

“a person or a department of the Government, who or which is, or has been, engaged in any activity, relating to the production, storage, supply, distribution, acquisition or control of articles or goods, or the provision of services, of any kind, or in investment, or in the business of acquiring, holding, underwriting or dealing with shares, debentures or other securities of any other body corporate, either directly or through one or more of its units or divisions or subsidiaries, whether such

unit or division or subsidiary is located at the same place where the enterprise is located or at a different place or at different places, but does not include any activity of the Government relating to the sovereign functions of the Government including all activities carried on by the departments of the Central Government dealing with atomic energy, currency, defence and space.”

It is thus clear that any activities of the Government relating to its sovereign functions are not covered under the definition of ‘enterprise’. There are plethora of judgment by Hon’ble High Court of Delhi and Hon’ble Competition Appellate Tribunal stating that commercial and economic activities are not covered within the meaning of ‘sovereign functions’ and the State while discharging such functions is as much amenable to the jurisdiction of competition regulator as any other private entity discharging such functions. Despite this, TRAI has kept DD Direct plus DTH platform from the applicability of the new tariff regime citing that for the said platform does not need permission or license is granted from MIB.

The situation therefore is very peculiar. On one hand, Prasar Bharti, deviating from its core principles, have got into direct competition with the private DTH operators and other distribution platform operators, on the other hand TRAI has refrained from making its regulations applicable for DD Direct plus. This is completely bizarre and with this philosophy how can we think of any ease in the doing business for the DTH and other DPOs.

It is a matter of record that the new tariff regime was the result of the observation made by Hon’ble TDSAT in the matter of Noida Software Technology Park Ltd. vs. Media Pro Enterprise India Pvt. Ltd. (NSTPL) & Ors. and other connected matters regarding the need

to have a comprehensive restructuring of the Regulations wherein the Hon'ble Tribunal also held that reasonableness, parity and non-discrimination are essential and un-violable elements of an interconnect agreement and that provision of TV signals by a broadcaster to a distributor is mandated by the Regulations to be based on fairness, reasonableness, transparency and principles of non-exclusivity and parity.

Forbearance is the need of the hour:

We have seen that the new regime has proved to be a very little help for the industry, and it is a matter of record that the new regime, which was aimed at reducing conflicts between the stakeholders, has seen various litigations and has already undergone through amendments for more than 3 occasions already in just a short span of 4 years. Furthermore, there has been no reduction in the prices of the channels and on the contrary, it has only seen upward movements requiring the intervention of the authority time and again. It is therefore a high time that there should a wholistic review as to what has been achieved so far and whether the new regime will actually be successful with continuous exercise of fixing of the patches in the same.

It may be noted that unlike at the wholesale level, the competition at the retail level is already at maximum with 4 pay DTH operators and around 1700 MSOs which calls for complete forbearance at the retail level and therefore we had stated that there was no need to impose any regulation at the retail level.

It is a settled position that the intervention of the Regulator is required only when there is a monopoly or market failure or the supplier is in the position to exploit the buyers owing to the

uniqueness of the product. A channel, which may be a monopolistic product at Broadcaster level, since only one Broadcaster has the exclusive rights for the same, ceases to be so when it reached the hands of a DPO. The same Channel starts becoming available in the hands of MSOs and DTH operators who are ensuring effective competition and effective market.

Effective competition occurs in economic markets when four major market conditions are present:

- Buyers have access to alternative sellers for the products they desire (or for reasonable substitutes) at prices they are willing to pay,
- Sellers have access to buyers for their products without undue hindrance or restraint from other firms, interest groups, government agencies, or existing laws or regulations,
- The market price of a product is determined by the interaction of consumers and firms. No single consumer or firm (or group of consumers or firms) can determine, or unduly influence, the level of the price, and
- Differences in prices charged by different firms (and paid by different consumers) reflect only differences in cost or product quality/attributes.

The Distribution industry is a classic case of effective competition since all the above factors are available. In effective competitive markets, the consumers are protected from exploitative prices that any operator, acting unilaterally or as a collusive bloc, could charge. Competition occurs on the basis of both price and the quality or features of the product. One form of a product is usually a reasonable substitute for another form of that product. This is often referred to as –functional equivalence. Sellers may also offer

product combinations or bundles that appeal to specific consumers or consumer segments.

Accordingly, it is submitted that Regulation is not always a panacea. In mature markets, effective competition will generally deliver better outcomes than regulation. Where regulation is necessary, regulatory forbearance is the key to good outcomes. Regulatory forbearance is about focusing regulation to where it is needed, and withdrawing regulation in those parts of the market where it is no longer necessary. In other words, the concept of regulatory forbearance rests on the goal of a gradual removal of ex ante regulation and an accompanying increase in the use of general ex post competition regulation. TRAI should implement the philosophy of the Minimum government, maximum governance.

It is also a matter of record that there has not been any complaint of any monopolistic practices at the retails level which is primarily because of the following:

- a. ample choice with the customers to switch over from one DPO to the other,
- b. must provide requirement of the broadcasters,
- c. no scope of monopolizing any content by the DPOs,
- d. strong QoS regulation in place requiring the quarterly filing of performance monitoring report,
- e. commercial interoperability,

We thus request the Authority to consider all issues comprehensively taking within its periphery all pending issues for the purpose of application of TRAI Regulations.

In the above backdrop, we hereby provide our response to the consultation paper as under:

A. Tariff related issues

Q1. Should the present ceiling of Rs.130/- on NCF be reviewed and revised?

- a. If yes, please provide justification for the review and revision.**
- b. If yes, please also suggest the methodology and provide details of calculation to arrive at such revised ceiling price.**
- c. If not, provide reasons with justification as to why NCF should not be revised.**
- d. Should TRAI consider and remove the NCF capping?**

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.

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 there be any adverse impact on any stakeholder, if variable NCF is considered?

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?

- a. If yes, provide suggestions on quantitative rationale to be followed to arrive at an optimal discount rate.**

b. If no, why? Please provide justification for not reconsidering the discount.

c. Should TRAI consider removing the NCF capping for multi-TV homes? Please provide justification?

Dish TV Response: While putting a ceiling of Rs. 130/- (excluding taxes) for initial 100 channels in the New Tariff Order in 2018, TRAI had stated that it would keep a watch on the developments in the market and would review the ceiling on the Network Capacity Fee in a time period of about two years. It is a matter of record that while DTH operators have been asking for reconsideration in the prescription of NCF by TRAI, the industry has only seen a downward revision in the NCF.

However, with the passage of time, DPOs have started providing differential NCF and this position has more or less been settled. Further, the Committee constituted by TRAI to wriggle out the differences between various stakeholders have also voiced for leaving the issue of NCF to the DPOs only and there should therefore be a complete forbearance on the issue of NCF. As mentioned above, forbearance is the need of the hour, and we request TRAI that no regulation should be imposed on the DPOs w.r.t. the same.

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?

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 mechanism should be available to pay-channel broadcasters to verify the number of subscribers reported for multi-TV homes?

b) If not, the reasons thereof?

Dish TV Response: Under the new regime, only the broadcasters have the right to fix and publish the Maximum Retail Price (MRP) while the role of the DPOs is limited only to the extent of pipe/network through which the channels/bouquets are offered to the consumers.

Therefore, we are of the opinion that this issue as to whether to offer discount on the multi-tv connection and if offered, what should be quantum of the same should be left on to the broadcasters. As regards the mechanism for verification of the number of multi-tv subscribers, it is stated that the provision yearly audit in the Interconnection Regulation sufficiently caters this aspect, and no further regulation/mechanism is required w.r.t the same.

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?

- a. If yes, what should be the ceiling on such discount? Justify with reasons.**
- b. If not, why? Please provide justification for not reviewing the ceiling**

Dish TV Response: Non-discrimination and parity are two of the most touchstones for any regulation to succeed. The Authority allowed 45% discount to the broadcasters only post consultation with the stakeholders and after various rounds of discussions. The objective was to minimize the angst of the broadcasters. With such discount at the broadcaster level, it is virtually impossible for the DPOs to make their bouquets only at a discount of 15%. It is therefore suggested that the percentage discount for the DPOs should also be same.

It is thus evident that effort in fixing one problem is giving rise to another problem and if this continues, amendments of the regulation and tariff order will be a regular affair. It is thus suggested that it is high time that the Authority should allow forbearance in the industry as the new framework has been proved to be very little help to streamline the issues. Therefore, we are of the opinion that the Authority should implement complete forbearance in the industry without imposing any regulation.

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.

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?

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.

b. If no, please justify your response.

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.

Dish TV response: The total channel carrying capacity is defined as per the transponder capacity in Mbps. All SD and HD channels BW is assigned in VBR mode (Stat MUXing). Therefore, the actual BW consumption at a specific period will not remain same as it varies continuously. Therefore, there cannot be specific ratio of SD and HD. Moreover, the BW consumption of HD channels are much higher. So, each channel should be considered as one channel irrespective of its type. Hence, the ratio/quantum is not applicable. The difference of BW will be there in case of any change in additional audio requirement.

Q10. Should there be a provision to mandatorily provide the Free to Air News / Non-News / Newly Launched channels available on the platform of a DPO to all the subscribers?

a. If yes, please provide your justification for the same with detailed terms and conditions.

b. If not, please substantiate your response with detailed reasoning.

Dish TV Response: We completely reject the suggestion given by the FTA news channel broadcasters. While TRAI itself has highlighted the concerns against such suggestion, there was no requirement of incorporating the said suggestion and further extending the same to also include Non news and newly launched channels.

At the outset, the requests of the broadcasters are not only against the very definition of the FTA channels as provided in the regulation but are also against the very objective the regulatory regime of providing choice to the customers. The regulations have provided the obligations of must carry on the DPOs and any intending broadcasters may have its channels on the network.

In a situation, where the DPOs have been agitating against the provision of mandatory carriage of DD channels, which have further been kept out of the minimum number of channels under distribution network capacity and thereby putting an additional burden on the DPOs, no provision should be made to further include the FTA/newly launched channels within the said capacity. This will also be against the right to business of the DPOs.

It is worth mentioning in this regard that any channel is launched with a business strategy and the broadcasters also have the advertising revenue from the distribution of the channels. Any channel having unique and attractive content will automatically catch eyeballs and broadcasters should be allowed to piggybank the DPOs for the same.

Q11. Should Tariff Order 2017, Interconnection Regulations 2017 and Quality of Service Regulations 2017 be made

applicable to non- addressable distribution platforms such as DD Free Dish also?

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?

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.

Dish TV Response: We have already stated hereinabove that the DD Direct is a DTH operator like any other pay DTH operator and this position has been upheld by the Hon'ble TDSAT on more than one occasion. It is a matter of the record that there has not been any stay on such orders and in such a situation, both Prasar Bharati and TRAI, are in contempt of the said order by not complying with the said order. DD Direct must therefore upgrade its systems in order to be compliant with law. Submissions made in this regard are reiterated.

B. Interconnection related issues

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?

- a. **If yes, how the issue of differential pricing of television channel by different DPOs be addressed?**
- b. **If no, then how should the business continuity interest of DPO be protected?**

Q15. Sometimes, the amendment in RIO becomes expedient due to amendment in extant Regulation/ Tariff order. Should such amendment of RIO be treated in a different manner? Please elaborate and provide full justification for your comment.

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.

Dish TV Response: We strongly believe that the existing position where the DPOs have the right to accept the revised RIO or to continue with the existing RIO, should not be changed and it should be left for the DPOs to take a decision considering the need of its own consumer base.

Furthermore, it may be appreciated that any change in the price of a channel has a consequential effect in the prices of every bouquet of which the said channel is a part and all such changes are implemented by the DPO only. It is therefore suggested that the existing provisions should be continued without any changes.

We reiterate that our suggestion TRAI should refrain from imposing too much of regulatory conditions and should instead move towards forbearance.

Q17. Should flexibility be given to DPOs for listing of channels in EPG?

- a. **If yes, how should the interest of broadcasters (especially small ones) be safeguarded?**
- b. **If no, what criteria should be followed so that it promotes level playing field and safeguard interest of each stakeholder?**

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?

Dish TV Response: In response to this, we state that any decision in this regard should be allowed to be taken by the DPOs only considering the best interest of their own customers. Putting more and more conditions only leads to chaos and TRAI should give more flexibility to the stakeholders and in fact move towards forbearance.

Q19. Should the revenue share between an MSO (including HITS Operator) and LCO as prescribed in Standard Interconnect Agreement be considered for a review?

- a. **If yes:**
 - i. **Should the current revenue share on NCF be considered for a revision?**
 - 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.

Please provide quantitative calculations made for arriving at suggested revenue share along-with detailed comments / justification.

b. If no, please justify your comments.

Dish TV Response: No comments.

Q20. Should there be review of capping on carriage fee?

- a. If yes, how much it should be so that the interests of all stakeholders be safeguarded. Please provide rationale along with supporting data for the same.**
- b. If no, please justify how the interest of all stakeholders especially the small broadcasters can be safeguarded?**

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.

Q22. Should TRAI consider removing capping on carriage fee for introducing forbearance? Please justify your response.

Dish TV Response: The Consultation Paper rightly points out the difficulty, especially on the part of the licensed operators, due to capping on carriage fee. We have already stated hereinabove that it

is high time when TRAI must move from strict and restrictive regulatory regime towards forbearance.

We therefore suggest that TRAI consider removing capping on carriage fee for introducing forbearance.

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 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.

Dish TV Response: We state that this condition is totally against the interest of the DPOs and is amenable to be misused by the broadcasters as there may a possibility that a broadcaster after executing the DPO's RIO agreement and getting its channels placed on the bouquet available to the entire base of the DPOs, may thereafter not be willing to pay the carriage fee for the subsequent year and thereby forcing the DPOs to continue distributing the channel with any carriage fee.

C. Quality of Service-related issues

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:

- 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.**

Q25. Should TRAI consider removing capping on the above-mentioned charges for introducing forbearance? Please justify your response.

Dish TV Response: As we have stated hereinabove, TRAI should now move towards forbearance and therefore remove all sorts of capping and restriction on the service providers. In the similar lines, we believe that no turbulence is required to be created unless the same is necessary. It is a matter of record that after the implementation of the new regulatory framework, most of the changes made in the QoS regulation were only consequential due to the change in the Interconnection Regulation and Tariff Order. It is thus suggested no changes are required in the QoS Regulation on the issues mentioned above.

Q26. Whether the Electronic Programme Guide (EPG) for consumer convenience should display

- a. MRP only**

- b. **MRP with DRP alongside**
- c. **DRP only?**

Justify your response by giving appropriate explanations.

Dish TV Response: While reiterating our response in the preceding paras as a response to this issue as well, we would like to state that EPG has a limited character space, and it is hugely difficult for the DPOs to insert additional characters in the same. Further, the current provision of the mandatory information for the EPG is sufficient for the consumers and no additional information are required to be provided in the same.

Q27. What periodicity should be adopted in the case of pre-paid billing system. Please comment with detailed justification.

Dish TV Response: No change required. Comments made hereinabove are reiterated.

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.

Dish TV Response: The current reporting system is working fine and there should not be any change in the same. As suggested above, TRAI should refrain from creating turbulence in the framework unless it is extremely required.

Q29. MIB in its guidelines in respect of Platform Services has inter-alia stated the following:

- 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 /deactivation of platform services.**

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'.

Dish TV Response: No change required. Comments made hereinabove are reiterated.

Q30. Is there a need to re-evaluate the provisions outlined in the 'QoS Regulations' in respect of:

- 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**
- Please justify your comments with detailed explanations.**

Dish TV Response: We appreciate the suggestion by TRAI about relaxation of some provisions. While we understand that for a consumer of any company dealing with a product or service, there should be an easy option available to approach the concerned

company and we understand that toll free number is one such option, however, it may be appreciated that maintaining a toll-free number is a costly affair for any company, not only for small MSOs. It may be appreciated that the objective of consumer grievances/request can be achieved through various other modes like app/website etc. no company should be burdened with the requirement of maintaining a toll-free number.

D. Financial Disincentive

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?

a. If yes, please provide answers to the following questions:

- i. What should be the amount of financial disincentive for respective service provider? Should there be a category of major/ minor violations for prescription of differential financial disincentive? Please provide list of such violation and category thereof. Please provide justification for your response.**
- 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?**
- 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?**

1. If yes, what should be the interest rate?

2. In no, what other measures should be taken to ensure recovery of financial disincentive and regulatory compliance?

iv. In case of loss to the consumer due to violation, how the consumer may be compensated for such default?

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?

Dish TV Response: Ever since its issuance, the new regulatory regime has been subjected to numerous amendments, seen multiple litigation across the length and breadth of the country. The current consultation paper is only an effort by TRAI towards settling the issues. Clearly, it cannot be said that the new regime has been settled and accepted by all stakeholders. Therefore, as long as the new regime gets a shape accepted by all concerned, it is not the right time to think of any further changes on the financial disincentives, especially for the DPOs who have been subjected to accept the regulations even when the broadcasters were openly flouting the provisions even when there was no stay by any of the courts.

E. Any other issue

Q32. Stakeholders may provide their comments with full details and justification on any other matter related to the issues raised in present consultation.

Dish TV response: No other comments.
