

Forum of Cable Operators

38-A/7, Jyotish Roy Road, Kolkata - 700 053

March 31, 2008

To:

The Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg
New Delhi-110002

Dear Sir,

Ref: Consultation paper no: 6/2008

**Sub: Comments on consultation paper on
Restructuring of Cable TV services.**

We, on behalf of cable operators of West Bengal, would like to put forward our comments and the views on the subject matter with a request to consider the issues in such a manner that the Cable Operator's(LCOs)existence and right is taken care of.

We also earnestly request to the Authority to consider to allow all the stakeholders of the industry to meet and sit before the authority draw a final guideline or rule of the issues of Consultation paper.

The comments of the said consultation paper is attached herewith.

Thanking you.

Sincerely yours,
For Forum of cable operators,

Arvind Maurya
General Secretary
Mobile : 09830384731

Enlo: as stated above.

**COMMENTS OF FORUM OF CABLE OPERATORS (WEST BENGAL) ON THE
CONSULTATION PAPER NO: 6/2008 DATED 4th. March, 2008**

Comments on clause : 4.1)

From the inception of the cable TV in India, the industry has come to such a high profile advancement without having any technological support either from Government and/or institutional support in terms of education or technical guidance. The young entrepreneurs, being Cable Operators, have developed their own skill in the field of maintains and erection of operating system as well as network infrastructure by their own experience and trial and error method. And having gone through the industry for so many years, Cable Operators have developed as well as eligible themselves in terms of knowledge and education to carry on their duties and to absorbed and implement all the advancement and upcoming technology into their system.

However, present Regulatory frame work may required to revised for all the New Entrants primarily in terms of experience of the field and technical know-how and the strength. Because, at present the authority does not have appropriate control or monitory system on the Cable operator but to charge an annual fees of Rs: 500/- only leaving room for mushrooming of cable operators by issuing Registration to New Entrants. If the process of restricting new entrants is achieved, control over unnecessary mushrooming of cable operation in local areas, monitoring of registered cable operators could be done in a systematical method with a view to achieve QoS and redressal of consumers grievances.

Our suggestion is that Registration frame work to new applicant should immediately be revised to avoid over population of LCO or else over crowded situation will lead to malfunctioning of the service and the system because of mushrooming of LCO due to lacking in control and monitoring incapability.

Comments on clause : 4.3)

To establish guidance and monitoring to ensure better service to the consumer, centralization of registration authority is not at all desirable. To penetrate properly and more accurately in order to supervisory guidance and monitoring system the Local Head Post Office is appropriate for the reason each Head Post Office has got its own jurisdiction to look into with a reasonable number of cable Operators Or the proposed separate authority as Independent Supervisory Authority may also be advisable for registration/renewal process instead of a Centralize Authority. The future convergence of the technology into the Cable sector will allow consumers to go through their own choice and requirement daily as well as time-to-time basis. The decentralize authority will be able to control, monitor and manage the enormous data more accurately and appropriately leaving little scope of conflict between the authority and the cable operators relating to the information/data/verification/correction.

Our suggestion is to let the present Decentralize Authority work as usual with more power and staff strength with further division on ward wise as one Head Post office is unable to manage or control all the vast areas under its jurisdiction.

Comments on clause 4.4)

In absence of government guideline and regulation, consumers have developed ignorance to the service of cable TV television, which does not persist in other service sector such as Telephone, Electricity, Mobile service etc. which has started itself with a definite regulation. Hence cable TV service though become very popular, consumers never put attention relating to other aspect of the service such as payment, complain registration, proving access for maintenance etc.

Hence, while formulation the responsibility of the cable operators in terms of Consumers Grievances redressal, Authority should also implement a mechanism so that the consumers may also get aware of the government regulation, relating to above stated matter, in regular basis through Government Awareness Activity such as Print Media, Electronic media and any other public addressable system as deem fit.

Comments on clause 4.5)

Due to self-employment issues, number of young entrepreneurs has been engaged in the cable operations in the respective local area at the beginning of the Industry. Initial technological barrier has also refrained these cable operators from expanding operation area and as a result cable operators, now-a-days are working with a limited work area and there are many cases operation of the adjacent operators are working on partial/maximum/total mix up area.

Our suggestion is that in order to control and maintain a certain level of service guarantee of the LCOs, appropriate redressal of the consumers grievances, Government should formulate the appropriate Law, strong monitoring authority to address those issues instead of over populating the distribution system on competition ground.

Comments on clause 4.9)

Since Cable TV Industry was started in the country by the Local cable Operator and thereafter to regulate the industry/system Government have formulated the Rule and/or the Act of cable TV. Under the purview of the said Cable Act, all cable operators has to register themselves with the respective Head Post Office for their operation and business as cable operator with a defined working area. Thereafter, MSO have entered into the business and started giving feed to LCO. With the invention of new technology, this MSO are running their services across one state breaking the barrier of the area/locality/city/town even the Districts. The MSOs are doing business in a complete different format than that of Cable Operators and are enjoying the facility of registration as LCO.

The Role of cable Operators;

1. Cable operator(s) execute the service of the MSO against an agreement between themselves.
2. As per the norms of the Registering Authority, LCOs can not provide the service beyond the defined or proposed area.
3. Cable operators are responsible to maintain the service level and the consumers grievances.
4. Cable operators are to raise invoice of the monthly subscription of the consumers for the service rendered by them.

5. cable Operators has got no control of the Channel introduction/omission and/or placement.
6. The accountability of LCOs are already in place as the understanding for availing service of the MSO required an agreement with the LCO where LCOs required to produce valid P & T registration before commencement of the service of the particular MSO.

The Role of MSOs:

1. There is no separate definition of MSO in the Cable Rule and The Cable Act.
2. Under the condition, having registered with one single Head Post Office, where they used to erect their set-up, cater service in many area/locality/city/town even in other Districts.
3. MSOs have confined their operation by providing the composite feed to the cable Operators(LCOs) only, leaving few cases where MSOs have direct connection to the consumers premises.
4. MSO don't build as well as maintain the local network infrastructure to cater service to the end user.
5. MSOs, other than revenue from LCOs, have got another revenue income source called Carriage fees.
6. For the purpose of their business model, they control and manage the channel placement/replacement and/or omit from the programme package they offer at their whims and fancy.

In view of the above, both the LCOs and the MSOs have definite area of work and responsibility. Hence, Registration frame work to be established for MSOs operation separately considering the following.

- a) MSOs should be restricted from connecting consumers directly as applicable in the operation of HITS operators.
- b) As in the case of LCOs, MSO's service guarantee to the LCOs also need to be established.

Comments on clause 4.11)

Since inception of the Cable Industry, we have gone through number of changes for the reason of increasing channels, network maintenances, up gradation of system etc. LCOs have competently have done so by means of their own capacity and resources. During the course of such up gradation, LCOs have approached Government as well as Private Institution

for financial support. As the industry was not given the status nor there was any regulation, LCOs have been denied of such financial loan. The next phase of Cable TV mean convergence which will require a considerable investment in every part. We suggest that Government institution should come up for funding through Long and short term loan. Moreover, cable TV Industry has been given the status of small Scale Industry long back. Government should come out with some definite policy for the financial institutes to offer mandatory loans on such service subject to fulfillment of criteria.