

**Comments by Rajesh Sharma on Consultation Paper on Issues Relating to Tariff
for Cable TV services in Non-CAS Areas.**

First of all I would like to thank Telecom Regulatory Authority of India (TRAI) for adopting a real democratic approach for bringing out rules and regulations for cable Tariff in non-CAS areas. I would also like to thank TRAI for bringing out a detailed consultation paper which even a common man can understand. At the same time I would request that all the content placed on the website is only in English. By publishing documents only in English not one third of the population is kept out of this democratic process, but it is also disrespect to the official language of India. Hindi being the official language of India, at least demand a minimum respect that such a document which concerns a common man should be published in Hindi also. With these remarks I would like to give my views on the questions raised in the consultation paper as a consumer of cable TV services. My question wise views/remarks are from the common consumer point of view and based on what I have read in the consultation paper and other relevant documents available on TRAI website.

1. Concerned Stakeholder may respond. For a consumer it is not fair to respond.
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7. Here in Shimla, I am paying Rs.150 and in my view the average might be somewhere around 150 to 170 only.
8. Under reporting of analogue cable subscriber is correct for the taxation Authorities. But between service providers it is not fair to say that under reporting. It is because of the fact that all the channels are not watched by the whole universe. Therefore it is not under reporting between LCO, MSO and broadcaster. It is just an agreed number. If a broadcaster say that some of the channel like Zee Kafe, or Sab TV is being watched by all the TV viewers then it is not correct. Hardly 2-3% people might be watching these channels. Moreover if we add the rates of all the pay channels which are available on TRAI website then it comes more than Rs.750/-. If one adds the operational margins of cable operator and MSO than total cost to consumer will be more than 1500. Whereas the consumer is paying only Rs.150. This is therefore clear that under declaration of analogue subscriber is a misnomenclature. Moreover an average family do not want to watch more than 10-15 channels including the channels of Doordarshan which are free to air.

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9. Concerned Stakeholder may respond. For a consumer it is not fair to respond.
10. As indicated in para 5.3.25 of the consultation paper and in question number 14 that pay channel may recover only carriage cost from the subscription revenue and the content cost from the advertisement revenue. This proposition is very fair in the background that the popular content attract good advertisement revenue as well as these channels only get the subscription revenue.
11. As indicated in the consultation paper itself that it is not possible/feasible to have revenue share arrangement because the actual number of subscriber watching a particular channel is not known. Therefore this model cannot be used for wholesale tariff regulation.
12. As indicated in the consultation paper itself that it is not possible/feasible to have cost plus because the actual number of subscriber watching a particular channel is not known. Therefore this model cannot be used for wholesale tariff regulation.
13. Till the consumer is empowered with the right to choose channel which he want to watch, forbearance is not the correct approach. Otherwise, the cable operators in the name of broadcaster will harass the consumers and will charge hefty amounts from subscribers or will disconnect the popular channels.
14. This is an important question asked. As already indicated in the consultation paper (CP) that for a consumer it is bundle of channels for which he pays whether he likes these channels or not. He has no choice of either selecting any particular channel which he wants to watch or deleting any channels which he or his family particularly the children are not supposed to watch. In such a situation is important that the consumer is provided with the tool of addressability at the earliest. In the meantime, it should be provided in the rules and regulations that pay channels only charge the nominal amount of their carriage cost and the content cost is recovered from the advertisement revenue. This is more significant in the light of the fact that most of the channels broadcast advertisements for about 20-25 minutes in an hour. Whereas the cable television regulation networks regulation Act 1995 provides that channels cannot broadcast advertisements and promotional ads for more than 12 minutes in an hour (10 minutes for advertisement + 2 minutes for its own promotional ads) In that way these channels are eating away precious time of a common man on one hand and earning huge revenue from the advertisements. So such channels which broadcast advertisements of more than this prescribed time limit should not be permitted to charge any amount whatsoever from the consumers directly or indirectly.
15. Till the addressability is achieved continuing with the existing system may be a good option.

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16. Affordability is the best way to regulate the tariff at retail level.
17. Single ceiling at national level may be the best option from regulatory enforcement point of view. This ceiling may be 1.5 to 1.7 times the average monthly charge at national level.
18. As a common consumer do not watch more than 10-15 channels including the channels of Doordarshan, therefore a minimum of 15 channels in which 5 channels of doordarshan or FTA may be prescribed in the minimum slab and as the number of channels increases the same ratio may be maintained.
19. Yes, a-la-carte provisioning is must. Otherwise how the consumer can get the channels of different broadcasters. In case of pressing for bouquet, whole analogue capacity is eaten away by 2-3 broadcasters only. In such a situation, other broadcaster will be compelled to give carriage fee.
20. LCO can take care of the test of his consumers. Moreover, there should be some provision that if more than one third of the subscribers of a cable operators asks for a particular channel then LCO/MSO is bound to give that channel to his consumers.
21. Concerned Stakeholder may respond. For a consumer it is not fair to respond.
22. This is just a demand and supply mismatch. On one side demand is only for 70-80 channels and supply is for more than 500 channels. Therefore, this phenomenon will continue whether there is some regulation or not. It can be overcome only if full digitization of cable network is done.
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28. Tariff for these identified subscribers must be regulated in the background where the commercial subscribers are crying for to be regulated. Their tariff may be 2-3 times of the ordinary subscriber.
29. Yes, definitely it is the ultimate solution when the number of channels is increasing, movement of people from one place to other place is increasing, and cities are becoming more cosmopolitan.
30. The dates can that all the metro cities wef 1st January, 2012 and rest of India w.e.f. 1st January 2013.
31. Concerned Stakeholder may respond. For a consumer it is not fair to respond.
32. Technology may or may not be prescribed, but the STB should be such that it works with each and every LCO/MSO just like a mobile handset.
33. Possible incentive may be that after digitization there will be forbearance on tariff at all the levels except for some basic service tier of Doordarsahn channels which should be made available free of cost to the consumers.
34. Concerned Stakeholder may respond. For a consumer it is not fair to respond. As a consumer, I can only say that consumer should only know where he has to go for redressal of his complaints and grievances.
35. As a consumer, I can only say that if required subscribers can informed the district administration. Concerned Stakeholder may respond in a better way. For a consumer it is not fair to respond further.
36. Yes there should be a basic service tier consisting of Doordarsahn channels which should be obligatory to be provided free of cost through STB.
37. Yes, definitely there is a need to educate the LCO as well as consumers so that all are attracted towards and all the misinformation about digitization is removed.

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38. It is surprising to note that no analysis of the advertisement time broadcasted by the TV channels has been provided in the consultation paper. Whereas the format for submission of information to be provided by broadcasters has specially ask for this information from the broadcasters. For a consumer, to get the good uninterrupted content is the most desired thing. As on date, all the channels broadcast advertisement for about more than one third of their time. This can be observed by viewing the schedule of any movie channel. All the movie channels complete a movie of less than three hours is completed in more than four hours. Whereas, the prescribed time limit in the Cable Television Regulation Act is only 12 minutes per hour. Moreover, these channels wants subscription fee also. For this purpose we should have a policy that any channel broadcasting advertisements for more than say 5 minutes in an hour will not be a pay channel. Only those channels which do not broadcast advertisements for more than 5 minutes per hour. Further, this time of advertisement should be calculated on hourly basis and not on daily basis. Otherwise, the broadcasters will broadcast advertisement for more than the prescribed limit during the time when consumers generally watch the TV and no ads will be there during night time when there is no viewer. It is therefore requested that for the interests of the cable TV consumers, strict guidelines for duration of advertisement, intervals for advertisement, and a specific time limit per hour beyond which a pay channels cannot provide an advertisement should be prescribed.