



Date: 4th October, 2007

To
The Advisor (B&CS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Lal Nehru Marg
New Delhi – 110 002

Sub: Issues Relating to Mobile Television Service;
Response to the Consultation Paper dated September 18, 2007 issued by the TRAI

Dear Sir,

We take this opportunity to welcome the initiatives taken by TRAI for promoting convergence of broadcasting and telecommunications and the role of TRAI in order to judiciously balance the competing interests of the stakeholders. We also appreciate the issues floated for consultation in relation to the Mobile Television Service, aimed at policy framework for the guidelines and licensing terms and conditions for Mobile television Service

. We also assume some basic concerns in dealing with the same will be kept in mind, such as:

- **Interconnect Issues**
- **Adequate competition in consumer interest**
- **Flexibility and choice to consumers**
- **Level Playing field across all content distribution platforms**
- **Discouragement of monopolies**

In view of the issues highlighted in the Consultation Paper, our specific views are as under



1. **Whether the technology for mobile television service should be regulated or whether it should be left to the service provider.**

Each technology brings with it advantages and disadvantages for service providers, and hence decisions regarding choice of technology should be solely those of the service providers. The operator should be free to adopt the technology of its choice.

2. **If the technology is to be regulated, then please indicate which technology should be chosen and why. Please give reasons in support of your answer.**

please see the response to question 1 above.

3. **What will be the frequency requirement for different broadcast technological standards for terrestrial and satellite mobile television transmission in India?**

Should be In line with the global best practices:

4. **Which route would be preferable for mobile TV transmission – dedicated terrestrial transmission route or the satellite route? Should the mobile TV operator be free to decide the appropriate route for transmission?**

Yes, the mobile TV operator should be free to decide the appropriate route for transmission.

5. **How should the spectrum requirements for analogue/ Digital/ Mobile TV terrestrial broadcasting be accommodated in the frequency bands of operation? Should mobile TV be earmarked some limited assignment in these broadcasting bands, leaving the rest for analog and digital terrestrial transmission?**

sufficient spectrum must be assigned for launch of Mobile TV service in India.

6. **In the case of terrestrial transmission route, how many channels of 8 MHz should be blocked for mobile TV services for initial and future demand of the services as there are nearly 270 TV channels permitted under downlinking guidelines by Ministry of Information and broadcasting?**

In the interest of encouraging investments in mobile TV services, at least for the first few years, a limited number of players should be allowed to offer mobile TV service.

7. **Whether Digital Terrestrial Transmission should be given priority for the spectrum assignment over mobile TV, particularly in view of the fact that the Mobile TV all over the world is essentially at a trial stage.**

It would not be appropriate to state that Mobile TV is essentially at a trial stage. There is no reason for assigning higher priority to Digital Terrestrial Transmission over Mobile TV for spectrum assignment.

8. **Whether the frequency allocation for the mobile TV should be made based on the Single Frequency network (SFN) topology for the entire service area or it should follow Multi Frequency Network (MFN) approach.**

No Comments

9. **Whether frequency spectrum should be assigned through a market led approach – auctions and roll out obligation or should there be a utilization fee?**

No Comments

10. **What should be the eligibility conditions for grant of license for mobile television services?**

From amongst the list of eligibility criteria used by the Government for licensing FM Radio, Community Radio and DTH service, the following appear relevant for mobile TV service:

- Applicant company should be an Indian company registered under Indian Company's Act, 1956
- Applicant company should not be:
 - Controlled by a person convicted of an offence involving moral turpitude or declared as insolvent or applied for being declared insolvent
 - Controlled by or associated with a religious body
 - Controlled by or associated with a political body
 - Any company which is functioning as an advertising agency or is an associate of an advertising agency or is controlled by an advertising agency or person associated with an advertising agency
 - Subsidiary company of another applicant in the license area
 - Holding company of another applicant in the license area
 - Company having the same management as another applicant in the license area

11. **Whether net worth requirements should be laid down for participation in licensing process for mobile television services? If yes, what should be the net worth requirements for participation in licensing process for mobile television services?**

It is therefore recommended that a minimum networth of Rs.100 crore, either of the applicant company, or its promoters, be kept as an eligibility requirement for participation in the licensing process for mobile TV services.

12. **What should be the limit for FDI and portfolio investment for mobile television service providers?**

We agree with the observation made by TRAI in its recommendations on issues relating to convergence and competition in broadcasting and telecommunications, dated March 20th, 2006, that the Government should undertake a complete review of the FDI policy for the various sub sectors in telecommunications and broadcasting so that there is consistency in policy and a level playing field between competing technologies.

13. What should be the tenure of license for the mobile television service providers?

The mobile television service providers ought to be licensed for a term similar to as that of other competing content delivery platforms. Presently the DTH and Teleport license term is of 10 years, which can be enhanced for all platforms

14. What should be the license fee to be imposed on the mobile television service providers?

Any concession given to a Mobile television service provider operator in respect of entry fee and the annual license fee , should be extended to the DTH industry also to ensure equality of treatment across platforms.

15. Whether in view of the high capital investment and risk associated with the establishment of mobile television service, a revenue share system would be more appropriate?

Any concession given to a Mobile television service provider operator in respect of entry fee and the annual license fee , should be extended to the DTH industry also to ensure equality of treatment across platforms.

16. Whether any Bank Guarantee should be specified for licensing of the mobile television service providers. If yes, then what should be the amount of such bank guarantee? The basis for arriving at the amount should also be indicated.

Any concession given to a Mobile television service provider should be extended to the DTH industry also to ensure equality of treatment across platforms.

17. Whether the licenses for mobile television service should be given on national/ regional/ city basis.

The licenses be given on a national basis.

Yours sincerely,
For Tata Sky Limited



Anshuman Sharma
Chief Legal & Regulatory Affairs Officer

