

09 February 2022

By Email/By Hand

**The Advisor (B&CS)**

**Telecom Regulatory Authority of India**

Mahanagar Doorsanchar Bhawan (next to Zakir Hussain College)  
Jawaharlal Nehru Marg, New Delhi- 110002

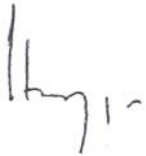
**Kind Attn: Shri Anil Kumar Bhardwaj, Advisor (B&CS)**

**Subject: Tata Play's comments on TRAI's Consultation Paper dated 08<sup>th</sup> December 2021 on 'Ease of Doing Business in Telecom and Broadcasting Sector'**

Dear Sir,

We thank you for the opportunity to express our views on the above captioned Consultation Paper. Tata Play's response to the same is enclosed for your ready reference.

Thanking you.



Yours sincerely,

**Harit Nagpal**

Managing Director and CEO

Enclosed: As above

**Tata Play Ltd.** (formerly known as Tata Sky Ltd.)

**Registered Office:** Unit 301 to 305, 3<sup>rd</sup> Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East),  
Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: [contact@tataplay.com](mailto:contact@tataplay.com), Website:  
[www.tataplay.com](http://www.tataplay.com)

**TATA PLAY'S COMMENTS DATED 09 FEBRUARY 2022 TO TRAI'S CONSULTATION PAPER DATED 08 DECEMBER 2021 ON 'EASE OF DOING BUSINESS IN TELECOM AND BROADCASTING SECTOR'**

**Q1. Whether the present system of licenses/permissions/registrations mentioned in para no. 2.40 or any other permissions granted by MIB, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

**Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.**

**TP Comments:**

**Timebound grant of License:**

- The DTH Operators are issued License by MIB for operating DTH services in India.
- The Government of India announced their very first DTH License policy in 2000.
- License Agreements were designed for a period of 10 years without any clause related to extension.
- After the License period expired, all DTH Operators were operating on an interim permission granted by the MIB, year on year.
- This throttled investment as no investor wanted to put in his money where there is no certainty of License conditions.
- While the Cabinet approved of revised DTH Guidelines on 23 December 2020 after which provisional Licenses were granted to all DTH Operators, final License Agreements with final terms and conditions are yet to be signed with MIB by the DTH Operators.
- We would urge the MIB for a final DTH License at the earliest so that there is no ambiguity in terms and conditions of DTH License enabling the investors to invest in this sector.

**Approval to be changed to intimation:**

- The DTH operators are mandated to seek 'prior approval' for any changes made in the equity/ shareholding structure, appointment of Directors and Key personnel some of which form part of our routine day-to-day activity.
- We are of the view that 'prior approval' may be done away with.
- If the MIB still requires prior approvals to be taken, then there should be a fixed period of 7 days for granting such approvals, beyond which the matter would be considered 'deemed approved'.

**Single window for all:**

- The DTH Operators are required to approach various ministries and departments for regulatory approvals.
- There should be one window for all the process such that the application can be made at one place and the Operator does not have to run to various Departments and Ministries for getting various approvals.

**Online status option:**

- At present there is no option to check the status of Application online made by the DTH Operator.
- Therefore, we urge the Authority to look into this aspect and provide an option to check the status of Application online made by the DTH Operator.

**Lack of Level Playing Field vis-à-vis OTT:**

- While the Government has brought OTT under the ambit of MIB by way of its Gazette Notification dated 10 November 2020, the OTT platforms continue to provide same services as the Broadcast Industry, however, without any Licensing framework or Regulations.
- The IT Intermediary Guidelines, 2021 also do not address the gross discrimination being faced by DTH Industry on issues including, but not limited to Licence Fee, Cross holding restrictions, etc.
- The DTH Sector has been operational for several years and provides employment to large section of the society. However, the DTH Sector is finding it difficult to thrive in recent years, owing to numerous factors including fast paced growth of OTT with no regulatory and license framework.
- To bring level playing field, MIB may either include OTTs under the umbrella of DPOs and put in place a licensing and regulatory framework to govern OTTs in line with the framework governing DTH operators or alternatively, modify the licensing and regulatory regime governing DTH operators to remove fetters like license fees, advertisement code and programme code, TRAI's regulatory regime etc. and bring back forbearance.
- This would ensure healthy competition in the industry and lead to a balanced growth in economy.

**Exclusion of non-license activities from License Fee:**

- The amendment issued by DoT dated 25 October 2021 modified the definition of Adjusted Gross Revenue (AGR) to remove non-telecom revenues while calculating License Fee.
- MIB may amend the definition of AGR by removing:
  - a. non-distribution revenues earned by DTH companies, such as those from property rents, dividends and interests, and charges of pass-through nature,
  - b. revenues from activities under a license/permission issued by other ministries such as the Department of Telecommunications.
- The exclusion of non-license activities from AGR would not only reduce licence fee burden but also help the DTH Operators from avoiding creation of multiple companies, to save double Licence Fee.
- It will also enable us to issue a single bill to our subscribers, availing more than one service leading to ease of doing business.
- This would also lead to more investment in the DTH Sector.

**Q2. Whether the present system of licenses/permissions/registrations mentioned in para no. 3.81 or any other permissions granted by DoT, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/permission/registration

**Give your suggestions with justification for each license/permission/ registration separately with detailed reasons along with examples of best practices if any.**

**Q3. What are the issues being faced in the existing processes of granting registration to IP-I providers? Identify and suggest measures to address the same.**

**Q4. What measures should be taken to promote small and medium telecom infrastructure providers with ownership of the network created by them for maintaining the quality of services?**

**Q5. Please provide your response with suggestions to improve the present system of operations and maintenance of the undersea cable network in respect of:**

- a. What procedure should be followed to facilitate O&M agencies for smooth operations and maintenance of undersea cables/cable networks and restoration of faults within a definite timeline?
- b. What additional support is needed in terms of import and export of equipment, measurement tools and accessories etc., vessel conversion and various other clearances for expediting repair and operations of submarine cables by ship/vessel at cable landing station within Indian maritime zones?

**Q6. Please suggest changes needed to simplify the following clearance/ permit procedures by various Government Authorities:**

- a. In-transit permits
- b. Pre-repair permits
- c. Post-repair permits

Provide your suggestions for each activity separately.

**Q7. Please provide your response with proper justification to improve the present system of EMF radiation compliance in terms of:**

- a. Relevance of EMF radiation audit and its impact for quick roll out of the network
- b. Measures to safeguard public interest and building confidence in public against propoganda of hazardous EMF radiations in field
- c. Issues being faced in the existing processes related to the self-certification, audit and penalty scheme of EMF radiation compliance process on Tarang Sanchar portal.

**Q8. What mechanism do you think should be followed in DoT to facilitate investors in exploring possibilities of business opportunities in the field of telecom? Provide your comments with justifications. Also, provide best international practices and adoption of new technologies for various processes and suggested process flow that could be adopted for further facilitating ease of doing business in India.**

**TP Comments:**

No Comments.

**Q9. Whether the present system of licenses/clearances/certificates mentioned in para no. 3.94 or any other permissions granted by WPC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of license/clearance/certificate

Give your suggestions with justification for each license/ clearance/certificate separately with detailed reasons along with examples of best practices if any.

**Q10. Whether the present system of permission/approval mentioned in para no. 3.101 or any other permissions granted by NOCC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval

- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

**Q11. Whether the present system of permissions/approvals mentioned in para no. 3.107 or any other permissions granted by TEC, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval.
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/approval

Give your suggestions with justification for each permission/approval separately with detailed reasons along with examples of best practices if any.

#### **TP Comments:**

##### **Single window for all:**

- As we have stated before, there should be one window for all the process such that the application can be made at one place and the Operator does not have to run to various departments and Ministries for getting various approvals

##### **Option for online status:**

- There needs to be an option where the status of the application can be checked online.
- This will help speed processes and actions can be taken immediately, if required.

**Q12. What measures should be taken to ensure that there is no duplicity in standards or in testing at BIS, WPC, NCCS, and TEC? Which agency is more appropriate for carrying out various testing approvals? Provide your reply with justification.**

#### **TP Comments:**

##### **Over-lap leading to duplicity of work and time:**

- There is a good overlap with what TRAI and TEC is already doing for CAS & SMS certification.
- Now a new committee has been formed by NCCS for ITSAR on STB.
- There is a lot of duplicity of work and time is consumed in meetings and submissions to different bodies on the same issue.
- BIS is custodian for all STB standards and specifications.
- Since ITSAR and TEC are running parallelly for the same thing, it is becoming difficult for key people to attend so many meetings each week for same thing while doing their regular jobs as well.
- We request that instead of running parallel committees, the work may be assigned to one committee and the other authorities may participate and give their suggestions to give a holistic guideline.

**Other devices to be included:**

- Also, instead of only including DTH STBs, the scope should also include Cable STBs, FTA STBs, Firestick and all other streaming devices, sticks and boxes.
- Since privacy is a grave concern, scope should also include OTT Apps as they collect far more data than DTH whose universe is pre-dominantly one-way STBs.
- Or alternatively, DTH may also be removed from the purview.

**Q13. Whether the present system of getting fresh and additional space segment capacity on Indian and foreign satellites for various services mentioned in para no. 4.15 or any other new service from DOS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of space segment capacity

Give your suggestions with justification for allocation of space segment capacity for each service separately with detailed reasons along with examples of best practices if any.

**TP Response:**

No comments

**Q14. Whether the existing procedures to acquire a license for providing satellite-based services in the existing framework is convenient, fast, and end-to-end online for the applicants? If not, what other measures are required to simplify the various processes to enable ease of doing business in India for satellite-based services? Give details along with justification.**

**TP Response:**

**Streamlined Processes:**

- As rightly pointed out in the Consultation Paper, numerous ministries and departments (DoS, MIB, DoT, NOCC, WPC and SACFA) are involved in granting regulatory approvals.
- The entire process is cumbersome and time-consuming.
- It would be helpful if the process could be made simpler with well-defined timelines, provision of deemed approval, a defined query system in place, etc.

**Q15. Whether the present system of permissions/registrations mentioned in para no. 5.10 or any other permissions granted by MeitY along with BIS, requires improvement in any respect from the point of view of Ease of Doing Business (EoDB)? If yes, what steps are required to be taken in terms of:**

- a. Simple, online and well-defined processes
- b. Simple application format with a need to review of archaic fields, information, and online submission of documents if any
- c. Precise and well-documented timelines along with the possibility of deemed approval
- d. Well-defined and time bound query system in place
- e. Seamless integration and approvals across various ministries/ departments with the end-to-end online system
- f. Procedure, timelines and online system of notice/appeal for rejection/cancellation of permission/registration

Give your suggestions with justification for each permission/ registration separately with detailed reasons along with examples of best practices if any.

**TP Response:**

No Comments

**Q16. What are the issues being faced by various service providers in seeking stable and committed quality power supply connections from power DISCOMS? For statewide operations whether it is feasible to get power supply in time bound manner for various locations from a single-window contact or has to be made region-wise. What measures do you suggest to improve the same?**

**Q17. Whether the extant mechanism of reporting and filing at the SARAS portal and the offices of Controller of Communication Accounts (CCA) simple and user-friendly? If not, what measures are required to make it simple, transparent, and robust? Justify your comments.**

**TP Response:**

No Comments

**Q18. Whether any issues are being faced by the telecom service providers during declaration and verification of documents for deduction claimed from the Gross Revenue and special audits of revenue? If yes, provide your comments with the reasons thereof.**

**TP Response:**

- Formulation of a uniform and transparent system of audit whereby the accounts of the operators are looked at basis pre-defined heads and classifications rather than individual declarations.

**Q19. What improvements do you suggest in the various extant audit processes conducted by DoT LSAs? How the process of the Customer Acquisition Form (CAF) audit can be further simplified? Provide your comments with justifications.**

**TP Response:**

No Comments

**Q20. What measures are required to be taken to simplify the various submissions/filings made by teleport operators, DTH operators, MSOs, and other stakeholders at MIB? Provide your detailed reply with justifications.**

**TP Response:**

**BIPS Portal:**

- The submissions required to be made on the B&CS Integrated Portal (BIPS portal) for the Telecommunication (B&C) Services Register of Interconnection Agreements and All Such Other Matters Regulations, 2019 is time consuming and cumbersome.
- Fields need to be filled by DPOs for each Broadcaster for which channels, epg no. and other details have to be punched in manually which is an unnecessary and time-consuming process.
- Instead, as all the DTH Operators had requested before, if an excel sheet in a particular format may allowed to be submitted, which when uploaded will fill all the requisite fields, will save time and enhance compliance.

**Q21. TRAI seeks multiple reports through its multiple divisions at predefined frequency intervals. Reports submitted by operators are examined and for non-compliances, show cause notices are issued and financial disincentives are imposed, wherever applicable. Do you think there is a need to improve reporting and compliance system in TRAI? Please elaborate your response with justifications.**

**Q22. Identify those redundant items which require deletions and at the same time the items that need to be included in the reporting and regulatory compliance systems due to the technological advancements. Suggest such changes with due justifications.**

**Q23. What kind of IT-based reports and compliance submission processes do you suggest in TRAI? Provide your comments.**

**TP Response:**

**Periodic Reporting:**

- The QPMR, Monthly Compliance Report and the Channel Selector App Report submission may be made online so as to save the to and fro required for submissions.
- Further simplification of compliance requests would also be helpful.

**Parity of Pay Channel Pricing:**

- There needs to be parity of pricing of Pay TV channels on DD Free Dish, OTT and DTH.
- This would bring a level playing field in the industry.

**TRAI Regulations:**

- There are extant provisions of Tariff and Interconnection Regulations for DTH while there is no regulatory framework for OTT which is now a prominent mode of distribution.
- We request, that either same framework may be made applicable to all, or forbearance be introduced for traditional distribution platforms as well.

**Q24. Are there any other issues in the present system of licenses/ permissions/registrations granted by MIB/DoT/WPC/NOCC/TEC/DOS/ MeitY/MoP that can be identified as relevant from the perspective of ease of doing business in the telecom and broadcasting sector? If yes, provide a list of those processes and suggest ways for their improvement.**

**TP Response:**

- All our requests are covered in our points above.