

Consultation Paper No. 6/2016
Issued on 18th May 2016

RESPONSE OF ZEE ENTERTAINMENT ENTERPRISES LIMITED
TO
TRAI CONSULTATION PAPER
ON
ISSUES RELATED TO QUALITY OF SERVICES IN DIGITAL
ADDRESSABLE SYSTEMS AND CONSUMER PROTECTION
ISSUED ON 18TH MAY 2016



॥ VASUDHAIVA KUTUMBAKAM ॥
THE WORLD IS MY FAMILY

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1. **Introductory Comments**

Zee Entertainment Enterprises Limited (ZEEL), welcomes the consultation paper on Quality of Services (QoS) in Digital Addressable Systems and Consumer Protection. At the same time, we note that the Authority had on a number of occasions since 2004 attempted to frame regulations which govern the QoS, with the latest ones being issued in 2015 (Digital Addressable Cable TV Systems) (Amendment) Regulations, 2015 (4 of 2015).

We also note that the current objectives are:

- a) To develop a unified QoS regulatory framework for all addressable TV Platforms (DTH/ Cable TV/ HITS/ IPTV) bringing in enhanced efficiency and transparency.
- b) To ensure protection of consumer's interests by making them aware of the choices of services, terms and conditions of services, ease of subscription and speedy redressal of complaints.
- c) To ensure orderly growth and a level playing field for overall development of the broadcasting sector.
- d) To encourage the use of Information Communication Technologies (ICT) towards improving the QoS.

We therefore note that under the present exercise the major effort in defining the QoS is not really the technical quality of received signals but rather ensuring and easing availability of commercial information to consumers regarding packages, rates etc. to enable the consumers to exercise their choice of channels in a fair and transparent manner. The effort on part of TRAI is laudable, however, in the scheme of the TRAI Act, it would be appropriate for TRAI to make the Regulations on broad parameters leaving the finer details of implementation on the DPOs depending upon their business model and uniqueness of their platforms.

In this context, would also like to mention that we do not agree with the observation of the TRAI that there is little incentive for DPOs to provide a high QoS owing to lack of competition. We also feel that the statement of the Authority:

“It has been observed that many DPOs seldom provide information regarding various options relating to packages, CPE schemes, a-la-carte price of

channels, and customer care details in a transparent manner.” (Page 13 of the consultation paper) needs to be qualified as the same is not universally applicable particularly in the DTH sector where the market has matured over a period of time without any micro interference by the TRAI.

In effect that Authority needs to ask the question as to why despite so many regulations/ guidelines being enacted, the sector has not been able to converge on providing such information, which has therefore again become the subject of Consultation.

It is not true that the sector is not competitive and that the DPOs are unwilling to provide such information transparently. In fact, as pointed out herein above, in the platforms such as DTH, the competition is so intense that there is a high subscriber acquisition cost of over Rs. 2000 per subscriber.

There is therefore a need to look at the sector in a discrete manner and based on services/ operator involved rather than the treating all sectors including the DTH, HITS Operators, MSOs and LCOs under the same umbrella.

With our introductory comments and in the backdrop of the present scenario we proceed to give our response to the various Questions raised in the present consultation paper and our response herein below should not in any manner be construed as a waiver of any comments herein above.

Question 1:-

What should be broad contours for QoS Regulatory framework for digital addressable systems? Please furnish your comments with justification.

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Question 2:-

Should there be a uniform regulatory framework for Quality of service and Consumer protection across all digital platforms? Please provide your comments with justification.

Response: We believe that “Regulation by an Industry led body” is the correct approach. The framework for the same can be set by the TRAI as suggested by The TRAI in the consultation paper. The reasons for our response are as follows:

- i. Wide disparities between Cable, DTH, IPTV and HITS segments:
 - a. Despite bundled together as DPOs in the consultation paper, the DTH operators, MSOs, HITS and IPTV constitute entirely different categories of distribution platforms. DTH has been in vogue since 2003 and has matured with major operators having operations dating back to 10-12 years, as stated above, this period has also seen growth in competition amongst various DTH Operators resulting into various benefits to the consumers.

On the other hand, DAS Operators are still in nascent stage as the DAS phases are still progressing and the ground realities based on which services are provided in each domain are still being evolved as it moves along with implementation of different phases of DAS with different timelines. The Authority is fully aware that these timelines also have been postponed/extended time and again either by the Government or by Court interference.

- b. Similarly, the HITS Platform is also under evolution. As of now, effectively there is only one HITS Operators and there is virtually no competition and cost structures. Therefore, revenues retained by each participant and consequently the end user products are entirely different vis-à-vis DTH etc. IPTV while holding forth future prospects, is too small to really implement any serious regulations.
 - c. Hence we believe that industry should be allowed to set up its own self-regulatory bodies which may be different in each segment.
- ii. Evolving nature of different Segments in DPO Sector:
- a. The sectors such as IPTV, HITS and DAS continue to evolve and have natural incentive to gain traction by being competitive and transparent.
 - b. If TRAI frames any regulations, it will be like trying to restrict multiple moving targets at the same time.
- iii. Underlying technologies and cost structures will lead sector to different service segments and classes.
- a. The Authority in the paper seems to be giving an impression that all DPOs will end up providing similar services which will be therefore distributable as bouquets or channels for which prices could be announced or declared in a transparent manner. However, the fact is that while all platforms may carry what is termed as “Liner on Digital (LoD) in some manner, the unique strengths of each sector will lead them to different segments of service with their own unique strengths.
 - b. For example, Cable is much more a two- way medium than a DTH operation and its services can be more interactive and on-demand. Cable is local- and therefore better suited (at least today) in being able to carry city based or even locality based channels. DTH is unique in being able to reach the entire country right since 2003 including those now in DAS-IV. It has developed unique capabilities to deliver over 50 HD channels and 500 SD channels without loss of quality even in areas with no cable infrastructure such as hilly terrains.

- c. Internet based service providers such as Netflix, Bigflix, HooQ, and online portals by all broadcasters and content owners are leading to changes in the distribution space which will make certain categories of linear channels redundant.
- d. There are sectors which are regulated, and subjected to license fees, taxes and duties, while there are others such as Internet based TV services where no licenses, permissions, fees or revenue shares have been stipulated. There is no regulation governing them and thus, they are free to fix their own rates and prices without being governed by the Tariff Orders/Regulations framed by TRAI.

In such a situation, the TRAI needs to in fact make way for a level playing field. To summarize, we would like to suggest an industry led body which would be much more familiar with the latest developments. As noted by the TRAI, this body will also undertake monitoring to check and ensure compliance and this approach will require a broad regulatory structure to be given by TRAI and leaving the micro management of the same to the respective DPOs/independent self-regulatory body.

In future, while Internet based TV is limited by streaming data bandwidths and pack sizes, the situation may change to the extent that it becomes the sole mode for VoD and linear portals. It is also a platform where new technologies such as HEVC and 4K can be introduced easily as the other segments need to grapple with the legacy boxes.

We therefore do not suggest a uniform regulatory framework for the different segments in the DPO sector. However the broad parameters can be laid down by TRAI which should be universally applicable to all addressable platforms.

Question 3:-

Should timelines relating to various activities to get new connection be left to the DPOs for transparent declaration to the subscribers? If so, how can the interest of the subscriber be best protected if the connection is not provided in given time frame?

Response: Once again we would like the attention to be drawn to the fact that the guidelines or regulations should look at each segment of the distribution sector independently.

Further, we would like to suggest that the online portals be given greater role in service registration, billing and accounting of services. Customers are quite savvy today with smartphone penetration increasing exponentially even in rural areas. Most operators such as DTH have Apps whereby customers can place online orders, order installation and order new services by simple app based features. Due to

competition many DTH and Digital cable installations are being done within 2-4 hours.

IT technology and Smart phone applications should form the bedrock of the new distribution environment and the TRAI should even encourage aggregator websites to order services, channels and features.

Further, it is pertinent to state that providing new connections as expeditiously as possible would be in the interest of the respective DPOs and it is best left to them for fixing a maximum duration within which a fresh/new connection is to be provided by the DPOs after receiving the requisite details and processing fee.

Question 4:-

What should be the time limits for various activities, as mentioned below, to get new connection? Please provide your comments with justification?

Response: Response time for processing new service request and conveying feasibility of providing connection at the desired location.

Time line for completion of CAF, installation and activation of service

Our response is largely contained in the answer to the previous question where we have suggested extensive use of IT based platforms, portals, third party aggregators and smartphone applications to drive the next phase of growth.

However, we have no objection if the Authority lays down the maximum time which can be taken by operators to activate services as well as for three level grievance redressal mechanism. The first level of redressal should reside within the operator (say DTH or digital cable), the second level within the self-regulating industry body and final one with appropriate Forum.

Question 5:-

Should minimum essential information that must be included in the CAF be mandated through regulations so as to maintain basic uniformity? Give your suggestions with justification?

Response: The information needed with a CAF form should be easy and minimal. The subscriber name, address (with Mobile No if available) and any one identification should be enough. The CAF Form should also mention/contain packages/a-la-carte channels offered by the DPOs and the rates thereof. Further, CAF Form should also indicate the terms and conditions on which CPE will be given to the subscribers. However, other than abovementioned minimum information, the DPOs should also be permitted to customize their CAF Forms according to their own business requirements.

We do not encourage the Subscriber to be forced to divulge family income and demographic data such as names, age and gender of members of family.

We find only a minimum need for any intervention or regulations in this area.

Question 6:-

Should minimum font size be specified for CAF? If not, how can it be ensured that important information provided in CAF is given in a manner such that a consumer can read it easily?

Response: We welcome the suggestion of the Authority that the CAF Form must be legible font size. However, at the same time, the Authority would have to consider the increase in use of paper, its environmental impact and consequential increase in cost of acquisition of a new customer on DPO. At this stage, the entire country is going through a phase of digitalization and the government is trying to encourage “Digital India”, thus, it would be appropriate that the subscribers/customers can read the CAF Forms in a digital mode on the website of the DPOs.

Question 7:-

Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification?

Response: As described by the TRAI in the consultation paper, we do not suggest any paper CAF but there should be reliance on e-CAF. Today even electronic retailers only obtain electronic signature on portable devices. This would avoid unnecessary maintenance of any type of paper records which need to be scanned and uploaded, apart from the fact that hand written forms are difficult to decipher and prone to errors.

Question 8:-

Should the minimum essential information to be included in the MoP be mandated through regulations to maintain basic uniformity and to ensure that consumers get all relevant information about the services being subscribed?

Response: As stated above, the MOP may also be provided by DPOs in electronic form on its website and also, by registered email address to all the consumers. The MOP should provide all consumer centric information which is essential in connection with availing the services offered by the DPOs. Such information may include details of services, schemes, details relating to consumer care, grievance redressal, time lines for providing various services, obligations etc. The information contained in MoP also needs to be updated regularly so that current information is provided to the consumers.

Question 9:-

Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification?

Response: Yes, this is desirable.

This information should be in the form of electronic record of all payments and what these have been applied for, such as STB rental, life of STB, payment of STB due for the balance period, subscription package, channels included, conditions under which it can be changed, date of expiry of package are minimally required.

The DPOs should not change the package of any subscriber without his/ her consent.

Question 10:-

Should it be necessary to provide printed copy of MOP to all the customers at the time of subscription to the service? If not, how it can be ensured that all required information is available to subscribers when required?

Response: No, the information can also be provided via email or electronic file attachment with digital signature. It should be mandated that the website of the DPO should have the entire MOP in electronic form for the subscribers to access the same at any point of time. Any change in the MOP should be permitted to be done only after giving a prior intimation of 7 days by the DPO to the TRAI.

Question 11:-

Should there be an initial subscription period while providing a new connection to protect the interest of both the subscriber as well as DPOs?

Question 12:-

If so, what should be the duration of such initial subscription period?

Question 13:-

What protections should be provided to subscribers and DPOs during initial subscription period? Give details with justification?

Response to Question 11, 12 & 13: We would not like TRAI to recommend/stipulate any specific initial periods, free periods, trial periods, bonus periods or any other tenure as this would be transgressing into the commercial domain of the DPO. However, the current tariff order and regulations already provide for an enabling provision regarding the above.

Question 14:-

What should be the framework for compensation to the subscriber for dropping

of a channel due to its non-availability on the DPOs' platform?

Question 15:-

How should the reduction in subscription charges be calculated in case of discontinuation of channel from DPOs platform? Please provide your comments along with justification.

Response to Question No. 14 & 15:

If the channel is dropped by the DPO for any reason whatsoever, then a proportionate adjustment on the lines prevailing today can be applied, except if the customer is willing to take another channel of his choice from the replacement channels offered by the DPO.

Question 16:-

What should the maximum permissible time of disruption beyond which subscriber must be compensated in following cases?

(a) Disruption due to technical fault on the DPO network or at the subscriber's end.

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(b) Disruption due to technical fault of CPE at the subscriber's end.

Response: In case the disruption is due to some natural calamity, or an act of god, or for any other reason which is beyond the control of the DPO, then, there would be no occasion for any compensation inasmuch as it is not the fault of the DPO. However, for such period of disruption, DPO should not be permitted to unjustly enrich itself. In such cases of disruption, the DPO should not be permitted to charge subscription. It is also to be understood that some of DPOs i.e. DTH Operators, have technical limitations in extreme weather conditions and they cannot be penalized for such technical limitations.

If services are disrupted due to damage or interference with CPE equipment- No compensation. The subscriber needs to pay for restoration.

For network faults which are in the domain of DPOs for the period exceeding more than 1% of the total subscription time in a month- one day extension of subscription for every one hour of outage.

Question 17:-

What should be the duration of disruption in service warranting compensation to the consumer and how the compensation should be calculated in following cases?

- (a) **Continued Disruption due to technical fault on the DPO network at the subscriber's end beyond the pre specified time.**
- (b) **Continued Disruption due to technical fault of CPE at the subscriber's end beyond the pre specified time.**

Response to Question 19(a) & (b): These questions have been rephrased from above. We suggest the following:

In case the disruption is due to some natural calamity, or an act of god, or for any other reason which is beyond the control of the DPO, then, there would be no occasion for any compensation inasmuch as it is not the fault of the DPO. However, for such period of disruption, DPO should not be permitted to unjustly enrich itself. In such cases of disruption, the DPO should not be permitted to charge subscription. It is also to be understood that some of DPOs i.e. DTH Operators, have technical limitations in extreme weather conditions and they cannot be penalized for such technical limitations.

If services are disrupted due to damage or interference with CPE equipment at the end of consumer - No compensation. The subscriber needs to pay for restoration.

For network faults which are in the domain of DPO or CPE malfunction due to network for the period exceeding more than 1% of the total subscription time in a month - one day extension of subscription for every one hour of outage.

Question 18:-

What should be the framework and terms and conditions for shifting of connection including timelines in respect of PAN India DPOs where provision of connection at new location is feasible?

Response: There is a huge problem that Pan-India DPOs also face regarding last mile monopoly. The Authority is fully aware that till date the last mile connectivity is with the cable operator and not with the MSOs. Therefore, it might not be feasible for even a Pan-India DPO to shift the connection to the new location where the customer is shifting. Similarly, in case of DTH Operators, the line of sight with the satellite is extremely important and it would not be feasible for any DTH operator to shift the connection where there is no line of sight with the satellite. We suggest that the subscriber should make a request to DPO for inspecting the new premises regarding feasibility. The inspection may be done by the DPO on payment of a reasonable cost. If it is found feasible, then, the connection may be shifted to the new premises by the DPO on payment of appropriate cost including service and equipment charges required.

Time limit regarding shifting of connection would become applicable only after feasibility report and on payment of requisite shifting fees.

We suggest ten days period be applicable for such shifting during which the old equipment would be removed, dispatched and reinstalled at specified cost to the subscriber.

Question 19:-

Is there a need to prescribe procedure for transfer of the TV connection? If so, what should the procedure, terms and conditions for transfer of services connection and timelines?

Response: We suggest that the subscriber be advised to get the new premises inspected by giving a call to the DPO with payment of specified charges.

Question 20:-

What should be the framework to address the concerns of stakeholders (Subscribers and DPOs) relating to temporary suspension of service?

Question 21:-

How issue of abrupt closure of service due to non-payment can be addressed while protecting the interest of subscribers and DPOs?

Question 22:-

Is gradual closure of service as discussed in para 8.23 is a feasible option? If so what should be procedure and the framework?

Question 23:-

What should the procedure and timeframe to inform the subscriber regarding closure of service due to closure of business?

Response to Question No. 20, 21, 22 & 23: All the above questions relate to suspension or closure of service possibly due to non-payment. All non-payments should be liable for immediate disconnection from a regulatory angle. This is because if a subscriber does not pay, and the DPO yet provides him service, the DPO is liable to pay the content cost to the broadcaster(s).

However, if the DPO on its own wishes to extend the subscription or offer any grace period, such actions should be permitted. But these cannot be demanded as a right and cannot be subject of any regulation.

Question 24:-

Why uptake of mandated schemes for set top box (Outright purchase, Hier purchase, and on rent) is so low at present? How consumer awareness on these issues can be increased?

Question 25:-

What should be the consumer friendly common framework of CPE Schemes for providing CPE to consumers in digital addressable system? Please provide your comments with justification?

Response to Question No. 24 & 25: Most of the subscription offers made by DPOs such as DTH or MSOs are attractive and are incentivized for attracting new/more subscribers. For example STBs are provided at subsidized cost along with package subscription. The subscriber acquisition cost on this account can go as high as Rs. 2000 per subscriber or even more.

In these conditions it is more attractive for a subscriber to go for these subscription offers rather than pay the mandated cost of the STBs or opt for and pay rent under notified STB schemes.

As these are commercial matters where DPOs give attractive incentives to the subscriber for acquisition. These attractive incentives are mostly below costs and as such, cannot be subject to regulation.

Question 26:-

What should be minimum essential information related to a CPE scheme that must be made available to the consumers to safeguard their interests? Please provide your comments with justification.

Response: It is difficult for consumers to understand the specifics of a CPE.

Hence the following information should suffice:

- Whether the STB is SD or HD
- Whether the STB is of recorder type or can be converted to recorder type with an external device
- For a recorder device- hours of storage for HD and SD
- Single or two tuners (record one program while watching another)
- Whether it is of universal LNB type (one Antenna per subscriber) or multiple STBs can be connected on a single Antenna
- _ Power supply and Warranty information.

Question 27:-

What measures may be adopted to ensure availability of good quality CPE to consumers?

Response: It should be BIS certified. It is the responsibility of BIS to ensure good quality and safety. There are multiple CAS systems, Chipsets, middleware and software stacks, which are constantly undergoing change. It is not practical to set down specific standards in this regard.

There can be certain antipiracy measures which can be suggested by an agency such as BECIL, which must *interalia* include fingerprinting (including covert), hardware tampering security in the box, chipset pairing etc. which can be common across networks.

Question 28:-

Should any charges such as visit charges, etc. be charged from the subscribers during guarantee-warranty period?

Question 29:-

What should be provisions for maintenance of CPE after the expiry of guarantee- warranty period?

Question 30:-

What should be the simplified provisions for surrender of CPE in case of closure of service by the subscribers in order to protect their interest?

Response to Question No. 28, 29 & 30: Should be left to the best commercial judgement of the DPO. This should not be subject to regulation. Most of the problems with CPE are either due to customer interference or electrical short circuits in which the quality of CPE has no role to play. Thus, it would not be appropriate to put cost of such repair on the DPOs. The same is applicable to other appliances of a similar nature such as handsets etc.

Question 31:-

What should be the simplified provisions for surrender of CPE in case of closure of service by the subscribers in order to protect their interest?

- a). Digital Cable TV
- b). DTH
- c). HITS
- d). IPTV

Response: We would like to suggest that the surrender of CPE in case of closure of service by the subscriber should be made in an electronic form by simply writing an email. The authority may specify a timeline of 7 – 15 days for a DPO to stop the service and make the refund, if any, to the subscriber for the advance and/or security deposit made by the subscriber.

Question 32:-

What are the different methods to effectively increase consumer awareness?

Response: We are of the view that there can be numerous methods to publicise services and enable information dissemination to the consumers. Some of them are enumerated below:

- a) Websites;
- b) Web based customer care portals;
- c) Broadcast Mail, Scrolls, Short advertisements on Home Channel and
- d) Landing Channel;

The existing means of traditional communication may also be used to supplement the aforesaid efforts.

Question 33:-

How consumer related information can be effectively provided to Subscribers through DPO website. What minimum information should be provided through consumer corner?

Response: We are of the view that **the** Web based Customer Care Portals of DPO may be implemented a separate dedicated link viz. **“Consumer Corner”**:

- 1) **“Consumer Corner”** link may be provided by DPOs on their homepages. The link tab be made prominently visible to make it easily noticeable and this will help navigate the consumer to a page on which all essential consumer centric information be made available. The page may also contain login provisions for existing subscribers who may be provided access to additional subscriber related information.
- 2) The **“Consumer Corner”** page may contain all essential information required for making consumers aware of the services being offered by the DPO, while indicating pricing and other terms and conditions in a transparent and unambiguous manner. The information may contain the following but not be limited to:-
 - a) List of channels on platform and their a-la-carte rates.
 - b) CPE Schemes:

- i) Scheme type, CPE price, and other terms and conditions
 - ii) Guarantee/ Warranty terms
 - iii) Maintenance provisions of CPE, AMC etc.
- c) Information on “BST” and how to get it;
 - d) List of packages: Name, channel composition, price;
 - e) Consumer Agreement Form (CAF);
 - f) Manual of Practice;
 - g) Call Centre contact details;
 - h) Complaint redressal process;
 - i) Provisions for obtaining a new service connection;
 - j) Provisions for temporary discontinuation/ shifting/ transfer of service connection;
 - k) Provision for surrender of CPE and closure of service;
 - l) Existing subscriber Login

The existing subscribers’ page may contain all information related to the subscriber’s subscription and account. Appropriate access methods may be used for authentication process. The following information related to the subscriber, may be made available:

- a) Access to subscription account
- b) Completed CAF access/reprint
- c) Subscription details of service and CPE scheme
- d) Bill / usage details for last six months subscription,
- e) Provision for printing of bill
- f) Payment details for last six months
- g) Payment provisions
- h) Complaint registration
- i) Complaint redressal timelines
- j) Complaint monitoring provision
- k) Toll Free Number and other call centre contact details
- l) Nodal officers, appellate authority contact details
- m) AMC, if any

Question 34:-

Can outsourcing to the third party for various web based operations be permitted especially for smaller DPOs? If yes, what precautions are taken to ensure that such provisions are not misused?

Response: We are of the view that the existing regulatory provisions prescribe that DPOs set up their own websites. The smaller players in the DPO space may however find it difficult to establish a well set up website for information dissemination, customer care, complaint registration, monitoring and follow-up etc. Since a standardized uniform QoS framework aims to provide unified QoS provisions for all DPOs it would be appropriate to ensure that even smaller DPOs are enabled so as to adhere to a common QoS framework.

One possible option to achieve this could be to allow DPOs to outsource the implementation of their website based QoS activities as per the QoS provisions to a third party. This third party agency could then set up and operate the websites and the associated QoS activity of one or more DPOs. However, in such cases, for any violation of QoS Regulations, the DPO on whose behalf outsourcing agency is maintaining the website or any other service shall be responsible.

Question 35:-

In case of the use of “In Channel” communication means, what should the guidelines for running scrolls or other onscreen displays, so that it does not impact the viewing experience?

Response: The Authority may consider implementing the following norms to adequately safeguard the quality of the consumer’s experience for “In Channel” communication:

- a) Use of onscreen graphical messages to subscribers which disturbs the viewing of the channels to the subscriber may be prohibited on channels subscribed by a user;
- b) Such information can however be presented in any manner on the landing channel or home channel;
- c) Critically important consumer centric information such as Toll Free Number of call center, email address of call center, etc. can also be disseminated through periodic scrolls that run over subscribed channels;
- d) Such scrolls may be repeated periodically say monthly during such time so that it is likely to be noticed by the viewers;
- e) Use of BMail may be encouraged to send subscriber specific communication such as billing information, subscription reminders, payment notices, complaint docket number, complaint resolution information, activation and deactivation alerts etc.
- f) The use of registered mobile for various services may be encouraged by all DPOs;

Question 36:-

What options can be used for verifiability of subscriber communications for any change in service or provision of additional service?

Question 37:-

What should be the duration to preserve such verifiable subscriber communications requesting change in service or provision of additional services at DPO level?

Response to Question No. 36 & 37: The following options can be used for verifiability of subscriber communications for any change in service or provision of additional service:

- a) one time activation of add-on-packs or services should not happen without obtaining an explicit request or consent of the subscriber;
- b) The registered mobile number may be used for obtaining such confirmation from a subscriber and such an SMS may also be recorded for certain duration to settle possible disputes if any that may come up in the future;
- c) A well laid down transparent procedure for recording the consent of a subscriber and also to communicate such change in the subscribed services to the consumer may be useful in improving the QoS;

Question 38:-

What should be optimal number of channel packages which meets the subscriber demand and are well understood by the subscribers?

Question 39:-

How the package offerings can be improved in case of cable TV services so that effective choice is made available to the consumers?

Response to Question No. 38 & 39: The optimal number of channel packages should best be left to the DPO as the same may vary from region to region, economies of scale etc. However, the intent should be that the Packages offered by DPOs need to be widely publicised to the consumers and the details of such packages including name, composition and price etc. should also be required to be filed with the Authority for regulatory monitoring. This process is already in place for the telecom sector.

The consumers should be empowered with an easy to follow procedure that makes the process of new subscription or change in the composition of channels/bouquets user friendly experience.

ICT technologies can be easily harnessed to advertise the available content and also make the subscription process simpler and user friendly.

Methods such as using the subscriber's registered mobile number to subscribe to an additional channel or change the composition of a bouquet may be implemented for Cable TV Services to give effective choice to be made available to consumers.

Mobile apps that further simplify such activity may also be developed to further simplify such activity.

Question 40:-

Whether the choice of Pre or Postpaid method should be mandatorily made available to the subscribers?

Response: We are of the view that the Choice of Pre or Postpaid method should be best left to the negotiations and business decision of DPOs and subscribers. However the introduction of prepaid model in Digital Addressable Cable as is prevalent in DTH sector would resolve lot of payment disputes amongst the stakeholders.

Question 41:-

What should be the essential information contained in the monthly Bill/ Usage details to be provided to subscribers in post paid or pre-paid system?

Response: We are of the considered view that the following information should be essentially contained in the monthly bills / Usage details to subscribers in Post Paid or Pre-Paid System:

- i) As per existing regulations, the entries in the bill shall be itemised to indicate
 - a. the price of individual channels or bouquet of channels along with the name of channels in the bouquet;
 - b. the charges for CPE and;
 - c. applicable taxes including value added services availed by the subscriber;
- ii) The bills should henceforth should also include
 - a). the Service Tax Registration Number;
 - b). the Entertainment Tax Registration Number of the DPO;

- c). detailed information about the consumption charges through various methods notwithstanding the type of payment methodology also needs to be adopted;

Question 42:-

Should pre-paid method is encouraged in case of cable TV services provided though LCOs? Support your comments with justification?

Response: We are of the view that prepaid model is required to be encouraged in case of cable TV services as it would resolve lot of payment disputes pending in the Cable TV sector. The attention in this regard is invited to our comments given in response to consultation paper on tariff an extract whereof is reproduced below for ready reference;

“ADOPTION OF PRE-PAID MODEL AT THE RETAIL LEVEL

- *One of the major objectives of the proposed tariff framework is to reduce the disputes and litigations in the sector. A major reason for litigation between the broadcasters & MSOs and MSOs & LCOs is the default in subscription payment. Despite the implementation of digital addressable system neither the information about the subscribers availing the television services is transparently available in the subscriber management systems of the MSOs (digital cable service providers) nor the subscriber-wise payment, is being accounted for in their system. It has been observed that despite the implementation of DAS in Phase-I & Phase-II and in major portions of Phase-III areas, the LCOs are still making the lump sum payments to the MSOs.*
- *TRAI has also observed in the CP that on a conservative estimate Rs. 32000 crores are being paid by the subscribers at retail level. Unfortunately, the said ground collection is not flowing back to the digital cable service providers (MSOs) and to the broadcasters, thereby not only depriving them of their legitimate/equitable share in the value chain but also leading to default in the payments under their respective contractual obligations. This is leading to the disputes in the sector.*
- *An analysis of various matters pending in TDSAT would reveal that majority of the cases relate to the payment default, recovery, non-provision of signals because of alleged contractual violations etc. The analysis would further reveal that most of the disputes are in the digital addressable cable domain and there are hardly any such kind of disputes between the broadcasters and DTH service providers. One of the major reasons for absence of such kind of disputes in DTH sector is that DTH has successfully adopted the pre-paid model wherein a subscriber has to pay the subscription in advance in respect of the channels which he has subscribed from a DTH operator. Accordingly, in order to address this major issue of payment default in the digital addressable cable sector we suggest the following:*

- *In digital addressable cable services, an MSO plays a key role. The digital headend is established by an MSO which inter alia include the encryption systems and subscriber management systems. All the channels whether FTA or pay which are subscribed by the consumers, are encrypted at digital headend. Accordingly, the bills for cable services are also required to be raised by the MSO as the subscriber management system is maintained by them. Thus, in DAS an MSO becomes a central focal point for cable services. Thus, it is imperative that the payment mechanism in DAS should be such as would not only facilitate smooth flow of subscription from subscribers but also result in meeting the other necessary requirements of DAS i.e. implementing choice of channels by the customers, billing as per the channels subscribed by the subscribers, subscriber wise accounting so as to make available an updated individual subscriber account etc.*
- *In order to meet the above mentioned objectives, the pre-paid model be mandatorily introduced at the MSO level i.e. the subscriber of digital cable services should make the payments direct to the MSOs. This will not only ensure the smooth flow of subscription money from the subscribers to the MSOs but also facilitate the subscriber wise accounting in the SMS, thereby leading to better subscriber centric services.*
- *In this context it is pertinent to point out that at subscriber level the system is already pre-paid i.e. a subscriber has to make payment in advance (usually at the start of a particular month) to its LCO in order to receive the cable services. Accordingly, in the new pre-paid system proposed instead of making an advance payment to the LCO the subscriber would make the payment to MSO.*

The above methodology would address the default issues to a large extent and would also help in reducing the disputes and litigations in the sector. "

The mode of payment in cable TV sector currently is through manual collection by LCOs. If pre-payment is to be encouraged in Cable TV services where the services are distributed by LCOs appropriate provisions may need to be built into the framework so as to safeguard the interests of the LCOs. The following options may be considered:

- a) The DPO provide an LCO limited access to his served subscriber database. The LCO can then transparently access all billing information, subscription information etc. of his served subscribers. Further, service activation, deactivation requests can also be processed by the LCO through such remote access. This mechanism would however require appropriate interconnect provisions for adjustment of prepaid revenue realised by the DPO.
- b) The LCOs be allowed to pay monthly subscription through e-recharge on behalf of their subscriber using pre-paid terminal while he continue to collect the subscription from the subscribers. This will drastically reduce the payment disputes between LCOs and MSOs and subscribers will be protected from disconnections for want of payment or degradation of the service where payment disputes arise between LCOs and MSOs.

Question 43:-

What should be the billing cycle both for pre-paid and post paid? Please give your comments along with justification?

Response: In our view, there is a need to standardize the billing cycle for both pre-paid and post paid methods. In case a subscriber joins in say anytime within the duration of the month, his bill can accordingly be adjusted on a pro-rata basis to bring them under the regular monthly billing cycle.

This will help curtail numerous billing cycle related complaints against DPOs. This will also streamline the variation in billing cycle method viz. considering 30 day month as a unit and considering a calendar month as a unit adopted by DPOs.

Question 44:-

Should deduction of maintenance related charges for CPE from the pre paid subscription account be prohibited?

Response: In our view the regulator should implement a method to have a clear cut separation of charges related to subscription and other payments related to CPE maintenance wherein charges towards CPE maintenance activity are not deducted from the pre-paid subscription account of the subscriber and any such charges are realized separately either physically during the visit of the technician or through separate e-recharge.

This will help address the numerous consumer complaints alleging that deduction is made by DTH operators for visit charges /maintenance and repair charges of CPE from the pre-paid subscription account of the subscriber without any intimation to the subscriber.

Question 45:-

How Toll Free number and call center details can be widely publicised among the subscriber?

Response: In our view, the DPOs are already following the mandate of setting up a Call Centre for resolution or redressal of Consumer Complaints. However, there is a need to improve the consumer awareness about these Toll Free number, Call Centre(s), Nodal Officer(s) and Complaint Redressal Mechanism among the Consumers. The methods recommended by us in response to Question No. 32 above can act as an effective means to widely publicise the Toll Free Number and Call Centre details amongst the Subscribers.

Question 46:-

How response time and accessibility of call center including that of the Call center executive can be enhanced?

Response: In our view the following the ways may be adopted to address the problem and improve the response time:

- a) to link the number of the Toll Free lines with the number to subscribers being serviced by a Call Centre of the DPO;
- b) the provision for talk to customer care executive must be mandated at third level of IVR system;
- c) accessibility of the Call Centre may also be extended so as to provide for 24x7 service on a round-the-clock basis by amending the existing provisions to handle the IVR and customer care request between 8:00 to 00:00 hrs.;

Question 47:-

Please provide your comments on the following performance parameters discussed in preceding paras related to call Centre?

- a) Call Centre availability hours

Response: We are the view that accessibility of the Call Centre may be extended so as to provide for 24x7 service on a round-the-clock basis by amending the existing provisions to handle the IVR and customer care request between 8:00 to 00:00 hrs.

- b) Multiple languages in IVR

Response: We are of the view that the IVR services and Customer Care Call Centre should provide the option of local languages in addition to the English and Hindi language.

- c) Response time for answering IVR and voice to voice calls

Response: As mentioned in our response to Question No. 46, the norms should be set by the authority to enhance the response time for answering IVR and Voice Calls, presently governed by the Regulations for QoS specifically needs to be uniformly implemented across DPOs to bring in parity.

- d) Sub menu and accessibility of customer care executive

Response: As mentioned in our response to Question 47(c) the Regulations for QoS specifically needs to be uniformly implemented across DPOs to bring in parity.

Question 48:-

What should be the timelines for complaint resolution for different type of complaints at call Centre and Nodal officer level?

Response: In our view, the current turn around time for resolution of complaint for different types of complaints at Call Centre and Nodal Officer level needs to be reconsidered by the authority.

Question 49:-

Can outsourcing of call centre and web based complaint monitoring functions to third party help in increasing efficiency and compliance levels?

Response: In our view, one way to bring in parity in setting up of a call centre may be by allowing the DPOs to outsource their call centre operations to a third party agency which may then operate such services on behalf of one or more DPOs. The outsourcing of call centre and web based complaint monitoring functions to third party help in further increasing efficiency and compliance levels. However, the responsibilities under the QoS Regulations shall always remain that of DPO.

Question 50:-

What should be the innovative ways to develop a speedy user friendly complaint registering and redressal framework using Mobile Apps, SMS, Online system etc.?

Response: In our considered opinion, the complaint registering process may be simplified further. Once the complaint is registered by a subscriber on IVR or call centre, the complaint number and the likely redressal duration may be informed to him using any one of the available options such as SMS, email, Bmail, etc. and the complaint should also be updated in his online account. Once the complaint is attended to, communication should be sent to the subscriber through similar means while informing him of the resolution of the complaint. The contact details of the nodal officer/appellate must also be communicated to him in case he continues to remain dissatisfied with the resolution and wants to pursue the same at the next level of complaint redressal.

Question 51:-

What should be framework for implementation of electronic PMR?

Response: In our view, the authority needs to come out with a uniform framework for implementation of Electronic PMR across DPOs. The QoS Parameters should be comprehensive and should cover performance factors that affect QoS. The Authority should further focus to digitization of PMR Format so as to enable the process of preparation and submission through electronic means. This is expected to bring in greater efficiency into the process while benefitting all stakeholders across the value chain. The Authority should further develop a MIS that collects and archives relevant

data that pertains to stakeholders. This data may also be relevant towards analysis of QoS with a view to provide even better quality of service so as to continue improving upon the existing system. The operators may also be given limited access to the MIS to update information and data related to them.

Question 52:-

What should be framework for auditing of the records for QoS regulatory compliance by DPOs? Please suggest appropriate measures along with justifications?

Response: In our view, Audit being an important aspect for ensuring the compliance with provisions of the QoS regulations. The Authority should come out with a framework which adequately lays down the process for verification of QoS compliance records through periodic or random audits.

Question 53:-

What should be framework for carrying out survey for QoS compliance and subscriber satisfaction?

Response: In our view, in addition to laying down the standards of QoS to be provided by the service providers, it is also important that compliance, delivered QoS and subscriber satisfaction are also assessed and measured. This has helped in improving the QoS framework and QoS delivered to the consumers. A provision to conduct periodic surveys through approved research agencies can be introduced by the authority, the results of the surveys may also be considered to be published in the public domain for TV broadcasting sector. It may be necessary in digital addressable TV system to compare the actual findings against the Quality of Service benchmarks as notified by the authority so as to identify the critical areas for improvement of the sector.

Question 54:-

What should be the framework and quantum for financial disincentives for non compliance to the prescribed QoS benchmarks? Please suggest appropriate measures along with justifications?

Response: As stated above, the Authority may make broad guidelines regarding quality of service and leave the final details to the DPOs. Further, once the benchmark of quality of service are already provided by TRAI, it would be only open to an appropriate Forum to impose any financial penalty as provided for under the Act. TRAI may not bypass the Act and impose financial disincentives. Very recently, in the case of call drops, the Hon'ble Supreme Court has taken a very strict view of jurisdiction of TRAI for imposing financial disincentives.

Question 55:-

Should all channels carried on the platform of a DPO must be included and shown in the EPG? Justify your comments?

Response: We are of the opinion that it may be logical that all channels available on the delivery platform may be listed in the EPG and their names displayed to the subscriber. This will bring in greater visibility and transparency in informing the subscribers about all channels that are available on the platform so that he could exercise his choice or preference. If a channel is not subscribed by the subscriber, it would be proper that when he selects it, a message informing him as to how to subscribing to that channel be also displayed for information of the subscriber.

Question 56:-

Stakeholders may also provide their comments on any other issue relevant to the present consultation?

Response: Save and except the aforesaid we do not have any other issue to comment upon at this juncture. Nevertheless, we are of the opinion that the Manual of Practice & Consumer's Charter for Addressable Cable TV Systems can act as an effective guidelines to cater to the larger interest of subscribers.

We reserve our rights to offer counter comments at a later date.

Conclusion: We are of the opinion that if the aforesaid recommendations are factored in by the Authority in the new regulation in the larger interest of all stakeholders it would definitely result in fostering competition, increase trust amongst service providers, increase the ease of doing business, reduce disputes, improve transparency and efficiency, promote sustainable orderly growth and effective choice of content to consumers at large.
