

Date: 28.07.2014

To,
Mr. Agneshwar Sen,
Advisor (B&CS),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi-110002

From:
Dr. A.K. Rastogi
President,
All India Aavishkar Dish Antenna Sangh
B-262, Indra Nagar, Delhi-110033
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Subject: Reply/Comments on Consultation Paper No. 7/2014 "Regulatory Framework for Platform Services"

Hereby, Dr. A.K. Rastogi, President, All India Aavishkar Dish Antenna Sangh, is pleased to provide reply comments to the issues for consultation.

General Reply:

We are of the general opinion that there is no need to have any new definition or regulation for Platform Services because before the transmission of satellite channels the existence of local TV channels came into existence and since, than they are serving the society selflessly and telecasting the local news, views and comments keeping in mind the best interest of the society at large. Whereas, many popular satellite channels who were earlier free to air have now become pay channels without any uniform policy of pricing, there is a need to regulate the satellite channels not the local cable TV channels in consumer interest.

Reply Point-wise:

1. Do you agree with the following definition for Platform Services (PS)? If not, please suggest an alternative definition:
"Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and TV channels permitted under downlinking guidelines."

Reply 1: No, there is no need to define "Platform Services" because they are actually "Local Cable TV channels" whose are reaching the subscribers since last 2 decades when there was no other satellite channel and hence, there is no need to create any new definition. This definition is totally unwarranted and misinterpreted and will only create confusion.

Furthermore, when the definitions of DTH, MSO, LCO, IPTV, HITS etc are defined in the applicable law, we have failed to understand why there is a need to create any other separate entity like Distribution Platform Operators (DPOs).

2. Kindly provide comments on the following aspects related to programs to be permitted on PS channels:



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1. PS channels cannot transmit/ include

2.1.1 Any news and/or current affairs programs,

Reply 2.1.1: The PS Channels should be allowed to transmit any news and/or current affairs programs, because this is our identity. We are known as local cable TV operators since the inception of the B&CS industry. It's our duty to inform the people of our area about the current affairs happening in and around India and we are doing this since last 25 years without any problem and without taking any extra money or subscription charges from our subscribers.

2.1.2 Coverage of political events of any nature,

Reply 2.1.2: The PS Channels should be allowed to transmit Coverage of political events of any nature, because visit of political leaders in our area are not shown by prominent channels and to provide every news and views related to the development of our area is our duty towards our subscribers. Furthermore, there are local market trader's association elections, visit of a local political leader etc which doesn't find any takers in our news channels.

2.1.3 Any program that is/ has been transmitted by any Doordarshan channels or TV channels permitted under uplinking/ downlinking guidelines, including serials and reality shows,

Reply 2.1.3: We accept your point.

2.1.4 International, National and State level sport events/ tournament/ games like IPL, Ranji trophy, etc.

Reply 2.1.4: We accept your point.

PS channels can transmit/ include

2.2.1 Movie/ Video on demand

Reply 2.2.1: We accept your point.

2.2.2 Interactive games,

Reply 2.2.2: We accept your point.

2.2.3 Coverage of local cultural events and festivals, traffic, weather, educational/ academic programs (such as coaching classes), information regarding examinations, results, admissions, career counseling, availability of employment opportunities, job placement.

Reply 2.2.3: We accept your point.

2.2.4 Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration.

Reply 2.2.4: We accept your point.

2.2.5 Information pertaining to sporting events excluding live coverage.

Reply 2.2.5: We accept your point.



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2.2.6 Live coverage of sporting events of local nature i.e. sport events played by district level (or below) teams and where no broadcasting rights are required.

Reply 2.2.6: We accept your point.

3. What should be periodicity of review to ensure that the PS is not trespassing into the domain of regular TV broadcasters?

Reply 3: There is no need for any regulatory body for local programmes. Because for content transmission through cable TV, Ministry of Information & Broadcasting, Govt. of India is already having guidelines and monitoring mechanism as per the provisions of the Cable Television Network (Regulation) Act, 1995.

4. Should it be mandatory for all DPOs to be registered as Companies under the Companies Act to be allowed to operate PS? If not, how to ensure uniform legal status for all DPOs?

Reply 4: As per Cable Television Network (Regulation) Act, 1995, there is a mandatory requirement for the Cable TV operator to be registered at his local Post Office and to operate in DAS area by the Ministry of Information & Broadcasting, Govt. of India and hence, there is no need for any new registration.

5. Views, if any, on FDI limits?

Reply 5: No need, already there are provisions in DAS license.

6. Should there be any minimum net-worth requirement for offering PS channels? If yes, then what should it be?

Reply 6: No need, already there are provisions in DAS license.

7. Do you agree that PS channels should also be subjected to same security clearances/ conditions, as applicable for private satellite TV channels?

Reply 7: No need, already there are provisions in DAS license.

8. For the PS channels to be registered with MIB through an online process, what should be the period of validity of registration and annual fee per channel?

Reply 8: No need, already there are provisions in DAS license.

9. What is your proposal for renewal of permission?

Reply 9: No need, already there are provisions in DAS license.

10. Should there be any limits in terms of geographical area for PS channels? If yes what should be these limits.

Reply 10: No need, already there are provisions in DAS license and the license is given as per the geographical area.



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11. **Should there be a limit on the number of PS channels which can be operated by a DPO? If yes, then what should be the limit?**

Reply 11: No need, for any such restriction.

12. **Do you have any comments on the following obligations/ restrictions on DPOs:**

12.1. **Non-transferability of registration for PS without prior approval of MIB;**

Reply 12.1: We accept your point.

12.2. **Prohibition from interconnecting with other distribution networks for re-transmission of PS i.e. cannot share or allow the re-transmission of the PS channel to another DPO; and**

Reply 12.2: No need, for any such restriction, this is our business model and there is no need for interference from any regulatory body.

12.3. **Compliance with the Programme & Advertisement Code and TRAI's Regulations pertaining to QoS and complaint redressal.**

Reply 12.2: We accept your point.

13. **What other obligations/ restrictions need to be imposed on DPOs for offering PS?**

Reply 13: No need for any such restriction.

14. **Should DPO be permitted to re-transmit already permitted and operational FM radio channels under suitable arrangement with FM operator? If yes, then should there be any restrictions including on the number of FM radio channels that may be re-transmitted by a DPO?**

Reply 14: Yes, the DPO should be permitted to re-transmit FM channels. There should not be any restriction on the number of FM channels because this may be their business policy and trade commitments.

15. **Please suggest the mechanism for monitoring of PS channel.**

Reply 15: Already there is a mechanism to monitor TV channels and cable TV channels as per the guidelines of MIB.

16. **Do you agree that similar penal provisions as imposed on TV Broadcasters for violation of the terms and conditions of their permissions may also be imposed on PS? If not, please suggest alternative provisions.**

Reply 16: We accept your point.



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17. What amendments and additional terms & conditions are required in the existing registration/ guidelines/ permission/ license agreements w.r.t. DPOs for regulating the PS channels?

Reply 17: No need for any such amendments and additional terms & conditions.

18. What should be the time limit that should be granted to DPOs for registration of the existing PS channels and bring them in conformity with the proposed regulatory framework once it is notified by MIB?

Reply 18: No need for any such time limit.

19. Stakeholders may also provide their comments on any other issue relevant to the present consultation including any changes required in the existing regulatory framework.

Reply 19: In India, the B&CS industry was started with the hard work done by cable TV operators and other stake holders when the satellite channels haven't even started the transmission. Soon, the satellite channels became pay and the burden was passed to the subscribers. The regulatory body till date hasn't has a price mechanism for pay channels pricing. The TRAI should intervene in this matter in consumer interest and fix the prices of pay channels and not involve in local cable channels regulations when there is enough provisions in the applicable law.

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