



FASTWAY Transmissions Pvt. Ltd.

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To

Mr. Anil Kumar Bharadwaj
Telecom Regulatory Authority of India
Delhi

Subject: Response to Consultation Paper on issues related to Interconnection Regulations 2017

This is in reference to the consultation paper dated 25 September 2019 regarding the above said matter.

Please find below the response of Fastway Transmissions Pvt. Ltd. on the issues raised by hon'ble TRAI in the above said consultation paper.

Q.1 Do you think that the flexibility of defining the target market is being misused by the distribution platform operators for determining carriage fee? Provide requisite details and facts supported by documents/ data. If yes, please provide your comments on possible solution to address this issue?

Response : No, the flexibility of defining the target market has not been misused by the DPOs. MSO's are defining the target market based on the signals distributed from a particular headend. Area catered by a particular headend is treated as target market for the particular headend. The geographical areas catered by the headend are region specific and caters to the local demand and is retransmitting channels based on local demand. It is close to impossible to generate and control multiple feeds from a single headend as areas are nearby and requirements are same.

Q2. Should there be a cap on the amount of carriage fee that a broadcaster may be required to pay to a DPO? If yes, what should be the amount of this cap and the basis of arriving at the same?

Response : The carriage fee under the new regulatory framework has been appropriately determined and needs no revision.

Q3. How should cost of carrying a channel may be determined both for DTH platform and MSO platform? Please provide detailed justification and facts supported by documents/ data.

Response : In case of MSO platform cost of carrying a channel can be calculated by taking into consideration the Capital Expenditure and Operational / Recurring Expenditure incurred for generating and carrying the channel.

Q4. Do you think that the right granted to the DPO to decline to carry a channel having a subscriber base less than 5% in the immediately preceding six months is likely to be misused? If yes, what can be done to prevent such misuse?

Response : No, the right granted to the DPOs to decline to carry a channel having subscriber base less than 5% in the immediately preceding six months can be misused. On the other hand, time period of 6 months is on higher side and should be reduced to 3 months. It has been noticed that lot of regional channels (channels with languages of other regions) has misused the regulation and approached for carrying their channels. This results in delay in availability of new regional channels (channels of same region) to the subscribers, thus forcing the subscribers to watch unwanted channels.

Q5. Should there be a well-defined framework for Interconnection Agreements for placement? Should placement fee be regulated? If yes, what should be the parameters for regulating such fee? Support your answer with industry data/reasons.

Response : There is no need for framework for Interconnection Agreements for placement because of following reasons

1. As per tariff order, Broadcaster can pay carriage and can make his channel available on the network.
2. As per Interconnection Regulations, all channels are provided with specific LCN and broadcaster can advertise the channel along with the specific LCN to make the customer aware of the channel availability. Additionally as per Interconnection Regulations, LCN cannot be changed for one year. Only in case the broadcaster demands specific LCN number, placement deal is required.
3. As per the Interconnection Regulations 2017 no channel can be placed at disadvantageous position in EPG and will be available as per the genre declared by the broadcaster.

Taking into consideration the above said protection, the chances of arm twisting a channel of putting it into position of disadvantage is impossible, hence no change is required.

Q6. Do you think that the forbearance provided to the service providers for agreements related to placement, marketing or any other agreement is favouring DPOs? Does such forbearance allow the service providers to distort the level playing field? Please provide facts and supporting data/ documents for your answer(s).

Response – The forbearance provided to the service providers for agreements related to placement, marketing or any other agreement is not favouring DPOs for following reasons

1. As per tariff order, Broadcaster can pay carriage and can make the channel available on the network.
2. As per Interconnection Regulations, all channels are provided with specific LCN and broadcaster can advertisement the channel along with the specific LCN to make the customer aware of the channel availability. Additionally as per Interconnection Regulations, LCN cannot be changed for one year. Only in case the broadcaster demands specific LCN number, placement deal is required.
3. As per the Interconnection Regulations 2017 no channel can be placed at disadvantageous position in EPG and will be available as per the genre declared by the broadcaster.

Q7. Do you think that the Authority should intervene and regulate the interconnection agreements such as placement, marketing or other agreement in any name? Support your answer with justification?

Response : As the interconnection regulations already regulate the carriage of the channels, and placement / marketing agreement is required only in case of specific requirements of a broadcaster, so there is no need to regulate the same.

Q8. How can possibility of misuse of flexibility presently given to DPOs to enter into agreements such as marketing, placement or in any other name be curbed? Give your suggestions with justification.

Response : The flexibility given to stakeholders to enter into agreements such as marketing and placement is not being misused by DPOs.

