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Subject: Our Comments on Consultation paper issues related to Platform Services (PS)
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S.P.K.GOGULDOSS : 9894333699
STATE PRESIDENT

Date: 28.07.2014

Mr. Agneshwar Sen,

Advisor (B&CS),

**Telecom Regulatory Authority of India
New Delhi.**

Respected Sir,

“Our Comments on Consultation paper issues related to Platform Services (PS)”

We are highly pleased to respond to your Consultation paper No.07/2014 on the issues related to Platform Services (PS).

We are submitting our comments for your kind consideration and suitable recommendation to safeguard the interest of the Platform Services.

First of all we would like you to mend mind as to be wide open because the consultation paper itself has been prepared as such that the Platform Services (PS) are treated at par with the satellite channels which are downloading and up-linking the channels within the India and from abroad. The satellite channels are highly capital oriented and technologically advanced. The rules and regulations framed for them cannot be applied to the platform services which are less capital investment and solely to fulfil the needs of the local customers especially the Taluk level and District level.

This consultation paper has been presented in the right time while the entire nation is moving towards digitalisation.

Under digitalisation, the main role is going to be played by STB through which only the encrypted channels can be viewed as there will be no more analogue signal.

Under DAS the MSO is given the vital place which will be having the control over the STB and the role of LCO who now bring the Platform Services to the end users will be no more then.

The importance of Platform Services cannot be minimised as it caters the needs of the local residents who receives the re-transmission of the permitted TV channels along with the local ground based channels which generally provide movies, music related programmes and especially local community based programmes local news and current affairs.so the distributors of platform operators use this platform services to offer innovative services and product differentiation.

Our Comments on Consultation paper issues related to Platform Services (PS)

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.”

Comment: The definition for Platform Services (PS) may be as follows, Platform Services are programmes transmitted by the distribution platform operators exclusively to their subscribers and the LCOs shall be permitted to transmit their ground based channels and does not include Doordarshan (DD) channels.

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

1. PS channels cannot transmit/ include

2.1.1 Any news and/or current affairs programs,

2.1.2 Coverage of political events of any nature,

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,

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

Comment: At present Platform Services channels are being operated at the level of cable operators. PS generally includes music, movies, news, devotional, entertainments, local news, live events, teleshopping, kids programmes, serials, documentaries, regional programmes, local plays infotainment market news, educational and interactive games. Digitalisation will pave way for the introduction of more specialised VAS also.

As it is similar to that of FM radio networks, it is useful for consumers to access local and current information on a local cable network. So we request you to

Delete: 2.1.1 and 2.1.2

and we

Agreed with: 2.1.3 and 2.1.4

2. PS channels can transmit/ include

2.2.1 Movie/ Video on demand

2.2.2 Interactive games,

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.

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

2.2.5 Information pertaining to sporting events excluding live coverage.

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.

Comment: We accept 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, & 2.2.6 and we request you to allow the PS channels to transmit any news and or current affairs programmes, coverage of political events of any nature already telecasted by the satellite TV channels.

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

Comment: Minimum 6 months to one year should be the periodicity of review that the platform services is not trespassing into the domain of regular TV Broadcasters.

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?

Comment: Since the content transmitted through platform services channels the main responsibility of ensuring compliance to stipulated terms and conditions would vest on the Distribution Platform Operators (DPOs) especially in das notified areas platform services may be operated by a MSO who as per the definition under the Cable TV Act can be individual, or an association of individuals or

body of individuals whether incorporated or not or a company registered under the companies act and it provides that a company can be formed for any lawful purpose even by one person only under section 2 (62) of Companies Act.

So all the DPOs and PS should be registered under Companies Act as a Company. But the procedure of filing the periodical documents of ROC should be so simplified.

5.Views, if any, on FDI limits?

Comment: The total direct and indirect foreign investment including portfolio and foreign direct investment into the company shall not exceed 26% at all time. Even in the case of MSO registered under companies act should also be restricted to the level of 26% and not more than that. That should be the limit to news and current affairs category as well as the non-news and current category.

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

Comment: There should not be any minimum net-worth requirement for offering PS channels.As the digital MSO s investment will be enough for the PS channels too.

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

Comment: Under the digitalisation, most of the digital MSOs would be operating the Platform Services channels and the digital MSOs should have been registered with MIB which is mandatory. So the PS channels need not be subjected to the same security clearance/conditions as applicable to private satellite channels.

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?

Comment: We accept the clause 1.27 and 1.28

9.What is your proposal for renewal of permission?

Comment: The registration should be given for a period of 5 years and renewable every year.

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

Comment: Geographical area of operation of platform services channels.

Whoever may be the DPOs or the MSOs the geographical area of operation of PS channels should not exceed the district level.

As the ps channels are permitted to cater the needs of local customers, its area should not be extended more than one or two nearby district failing which it will be left to Act as a registered satellite channels which has no area. The permission fee should be 5 lacs which is refundable and the renewal fees per year should not exceed 1 lac.

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?

Comment: Under digitalisation, it is mandatory for a digital MSO to have a capacity of carrying minimum 300 channels. It is well known fact that the end user never see more than 5 to 12 channels, which is the outcome of the survey of TRAI, there must be a limitation to platform services channels to be carried by the DPOs.

Under acute competition, the Platform Services channels will be able to survive only if the no is limited to 5 /DPO. Not more than that. No % should be allowed as it will be a suicidal to healthy platform services channels to cater the customer's local needs.

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;

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

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

Comment: We accept the clause of 12. 1, 12.2, 12.3

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

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?

No comments

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

Comment: As the total responsibility will be on the shoulders of DPOs/MSOs the monitoring should be done by MIB. But from the experience, it is learnt that MIB is not able to monitor the TV channels and not able to implement the rules and regulations already framed as such the ad timing 10 to 12 minute/hour, how it will be able to over load with the new Platform Services channels. So a new mechanism should be framed to monitor the Platform Services channels but it should not be the responsibility of the state government to regulate the PS channels. And if they are allowed to monitor the platform services channels then the platform services channels would be used for their political ends only.

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.

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?

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?

No comments for 16, 17, 18

As a Stakeholder our Conclusion:

As the Platform Services channels are backbone of last mile CableTV operators who are given a chance to explore their innovative ideas and individualise from the competing satellite TV channels. PS gives additional revenues to MSOs and DPOs.

So the rules and regulations to be framed to regularise the Platform Services channels should be feasible and it should protect PS channels from the unreasonable terms and conditions to be imposed by MSOs and DPOs.

Thanking you Sir!

Yours Sincerely,

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