

04 October 2019

By Email and Hand

Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi - 110002

Kind Attn: Shri Arvind Kumar, Advisor (B&CS)

Subject: TRAI's Consultation Paper on Platform Services offered by DTH Operators dated August 28, 2019

Dear Sir,

Please find enclosed our response to your Consultation Paper on Platform Services related issues dated August 28, 2019.

Thanking you.

Yours sincerely,



Himavat Chaudhuri
Chief Legal and Regulatory Affairs Officer

Enclosed: As above

TATA SKY'S RESPONSE DATED OCTOBER 04, 2019 TO TRAI'S CONSULTATION PAPER ON PLATFORM SERVICES OFFERED BY DTH OPERATORS ISSUED ON AUGUST 28, 2019.

Q 1: Do you think programmes of the PS should be exclusively available on one single DTH operators' network only to qualify as a PS channel for the DPO? Should there be any sharing of such programmes with other DPOs? If yes, please provide justification and if no, the reasons thereof.

Q 2: In case answer to Question 1 is no, how it can be ensured that programmes of the PS are exclusively available only on single DTH operators' network? What conditions are to be imposed in registration/license/guidelines?

TATA SKY RESPONSE

- Platform Services are the key differentiator of a DTH operator. These services serve a key role in defining the brand image of the DTH operator. Hence, the Platform Services have a unique look and feel and have the operator's logo and the same cannot be replicated across platforms.
- The Platform Service feed is curated by the DTH operator and is comprised of various content, programmes and services which are obtained from various producers or broadcasters and/or may also be developed in-house. Therefore, while the total curated Platform Service feed is specific and exclusive to the DTH Operator, it is quite possible that the content or programmes within the Platform Service may not be exclusive as we cannot tie the producer down to any exclusivity and the content/programme could be shared by the producers with other operators as well. It is significant for business to run popular programmes to enhance viewership. Programmes such as 'Friends' and movies such as 'Sholay' and 'Andaz Apna Apna' are run across linear channels, with no bar on exclusivity. It is therefore suggested that TRAI may not mandate content/programme exclusivity on Platform Services of DTH Operators as well.
- While this consultation is in response to a specific reference from the MIB for the DTH operators, it is important to understand that, on the ground, the Platform Services of the DTH operators are competing against cable operator owned local channels inserted by the MSOs/LCOs. Unfortunately, the governance and control mechanism over MSOs/LCOs is not as robust and they are able to carry all sorts of content which may or may not be compliant to the various codes prescribed in the existing Acts and Laws. As an example, the DTH operators have steered clear from creating a Platform Service on News and Current Affairs simply because managing the sensitivities is a complex affair. However, it has been observed that MSOs/LCOs in several parts of the country routinely carry un-approved News channels which are in great demand and hence detrimental to the business of the DTH operators.
- In light of the above, it is requested that the Authority should make recommendations which are equally applicable on all DPOs (and also enforce-able on ground) instead of just regulating the Platform Services of the DTH Operators.

Q 3 : Is there a need to revisit/review the earlier recommendations of the Authority dated 11th November, 2014, relating to keeping recording of all PS channel programs for a period of 90 days and maintaining a written log/ register of such program for a period of 1 year by the

DPO from the date of broadcast and the role of Authorised Officer and the State/ District Monitoring Committee and MIB as monitoring authorities.

TATA SKY RESPONSE

- Article 8 of the DTH License refers to the Monitoring and Inspection obligations of the DTH Operator and mandates the maintenance of recordings of programmes and advertisements for a period of 90 days. This is also applicable on the Platform Services carried by the DTH Operators and there is no need to recommend something specific or more onerous for Platform Services.
- The uplinking and downlinking guidelines also place a requirement on to the broadcasters for maintaining recordings of programme uplinked and downlinked for a period of 90 days and no additional obligation is cast on them.
- The requirement of maintaining a written log/register for a period of 1 year is more suited for local DPOs who are monitored by the State/District Authorized Officers. DTH Platform services are Pan India in nature and are centrally governed by a national license.
- We therefore request TRAI not to recommend the additional requirement of maintaining a written log and/or register for a period of 1 year as the provisions in the DTH license are adequate.

Q 4: What should be the Registration fee/Annual fee for PS per channel? And how it is to be estimated?

TATA SKY RESPONSE

- DTH Operators are already paying a large quantum of License Fee (@10% over Gross Revenue). Also, the other competing DPOs (MSOs/LCOs, HITS) are not paying any License Fee, thereby a non-level playing field.
- In addition, the DTH Operators are also paying a substantial entry fee, which again the other competing platforms are not paying.
- There is no incremental administrative cost that MIB is incurring. The DTH Operators are already paying License Fee on their earnings from Platform Services.
- Therefore, we suggest that TRAI should not recommend that MIB may charge additional moneys for registering Platform Services. There should not be any Registration Fee and/or Annual Fee for Platform Services.

Q 5: How many PS channels are to be allowed to DTH operators? and Why?

TATA SKY RESPONSE

- The Authority must allow freedom and flexibility to the DTH Operators to decide on the number of Platform Service channels they want to carry.
- Especially now with the Broadcasters forming their own OTT distribution platforms (e.g. Viacom 18/Voot, Star/Hotstar, Sony/Sony Liv and several others) to take their content directly to the subscribers, the DTH Operators should not be restricted in any manner. A combination of linear MIB approved channels and Platform Services is the way forward for DTH Operators to compete with OTT. Infact DTH Operators are globally permitted to carry additional services without any restriction.

- DTH operators, being Pan India in nature, need to be able to create services for all linguistic sections of the society within the same platform. Hence any capping, would be a great dis-service to the subscribers.
- In light of the above, we are of the strong opinion that there should not be any limits placed on DPOs for restricting the count of Platform Services.
- If the Authority still feels that a limit is required, then it should be sufficient for us to grow further beyond the number of channels that we already have, and the limit should also be flexible going forward so that we may not be required to approach MIB and TRAI for the cap enhancement. Additionally, for maintaining parity, similar caps should also be placed on MSOs/LCOs.

Q 6: Whether PS channels should be placed separately on EPG to distinguish them from regular TV channels? If yes, how these channels are to be placed?

TATA SKY RESPONSE

- The Platform Services have genres and are therefore placed under the respective genres along with the linear channels
- From the consumer point of view, the Platform Service is also a content of a particular genre and is therefore placed accordingly.
- If the Platform Service is given a separate genre category of its own and it is mandated that they are listed separately, the subscribers would have great difficulty in discovering and viewing such services.
- Therefore, we are of the view that Platform Services should not be placed separately on the EPG.

Q 7: Should there be any provision for displaying name and sequence number of PS channels in a particular font size under the heading 'PS' or 'Value Added Services' on TV screen so as to distinguish them from the regular TV channels? If yes, please provide justification.

TATA SKY RESPONSE

- Our Platform Services are named as 'Tata Sky' services and the names are clearly represented in the EPG.
- The Tata Sky Platform Services also carry a distinct logo of Tata Sky which is a clear indicator of the type of service.
- Therefore, to specifically mandate a naming convention, font size, heading or any other specification is entirely unnecessary and will only add to the compliance and costs and may not serve any additional purpose over the existing arrangements.

Q 8: Should PS channels be also categorised in specific genre such as 'Devotional' or 'General Entertainment' or 'Infotainment' or 'Kids' or 'Movies' or 'Music' or 'News and Current Affairs' or 'Sports' or 'Miscellaneous'? Please provide proper justification for your answer.

TATA SKY RESPONSE

- The Platform Services are already following the existing genres that have been defined by the DTH Operators in their respective platforms. Platform Service, in itself, is not a genre.

- Since the DTH operators are already placing these services under the existing genres, there is no need to conduct a separate exercise of categorization of genres for platform services.

Q 9: Stakeholders may also provide their comments on any other issue relevant to the present consultation.

TATA SKY RESPONSE

- No additional comments