

ABP NEWS NETWORK
BY HAND/ELECTRONIC MAIL

25th August, 2017

To,
Advisor (B&CS)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Minto Road,
New Delhi – 110 002

Dear Sir,

Re: Submissions to Telecom Regulatory Authority of India (“TRAI”) in response to the Consultation on “Ease of Doing Business in Broadcasting Sector”, 2017.

At the outset, we would like to thank the Authority for giving us an opportunity to tender our views on the **Consultation on “Ease of Doing Business in Broadcasting Sector”, 2017.**

In regard to the present consultation process, we submit that we have perused the said paper highlighting the intricacies of the draft carefully. We hereby submit our comments attached as Annexure. The said comments are submitted without prejudice to our rights and contentions, including but not limited to our right to appeal and/ or any such legal recourse or remedy available under the law.

The same are for your kind perusal and consideration.

Yours Sincerely,

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Encl: As above

**Re: Submissions to Telecom Regulatory Authority of India (“TRAI”) in response to the
Consultation on “Ease of Doing Business in Broadcasting Sector”, 20176**

Kind Attention:

**Advisor (B&CS)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Minto Road,
New Delhi – 110 002**

INTRODUCTION

At the outset, ABP News Network Private Limited (hereinafter referred to as “ANN”) would like to thank the Regulator for initiating an exercise on facilitating the ease of doing business in the Broadcasting sector and we at ANN appreciate that the initiative is guided towards a logical conclusion. In this regard we state that given the need for increasing measures in order to facilitate ease of doing business in the Broadcasting Sector, the intent of launching such an exercise is wholly and solely supported by us.

The Authority has been right in pointing out that the broadcasting sector in the country has seen exponential growth over the years. Both the Government and the Authority has been constantly promoting plurality of broadcasting services and multiple distribution platforms for providing choices to consumers to access TV channels and FM radio services. One thing that we can state with certainty that in these several years is that a business climate is never the result of a single reform, event, law, ruling, judge, or verdict. All of these things subject to timely revision, improvement, research and development are critical to creating a conducive business climate.

ANN RESPONSE TO ISSUES FOR CONSULTATION

In reiterating the belief that the Broadcasting sector has immense potential to move on higher trajectory of growth if more conducive business environment could be created by simplifying existing provisions of policy framework related to broadcasting sector, we proceed in the paper in sharing our views on the major issues highlighted by the Authority that must be looked into in order to further its intent through the present consultation herein below-

Q1. Is there a need for simplification of policy framework to boost growth of satellite TV industry? If yes, what changes do you suggest in present policy framework relating to satellite TV channels and why? Give your comments with justification?

Ans. Existing policies are good enough for satellite TV channels, except that there are multiple agencies and clearances which needs to be obtained by the applicant individually. There is no commitment on time limit from Govt. / Authorities on when the applicant can start the channel. As a result, sometime the whole process takes so much time, the entire business becomes unviable and the channel owners in turn have to suffer commercial losses.

Hence, there should be single window online application portal and clearance system for anyone intending to start satellite TV channel. The application process should be transparent enough for the applicant to know the status. The single window clearance system should have time frame by which the license will be issued in case all documents, facts and figures are in order. At least it will enable the applicant to provide required information to Govt. in case the need arises.

Q2. Is there a need in present policy framework relating to seeking permission for making changes in the name, logo, language, format, etc. related to an operational satellite TV channel? If so, what changes do you suggest and why? Give your comments with justification?

Ans. Changing name, logo, language, format etc. are quite resource hungry initiatives and need good planning. In the current scenario, the Applicant doesn't even know by when the approval will be granted, due to which proper planning of resources are not possible. It will be helpful if the application process for changing logo, language, format, name etc. are made online with a committed time frame, so that the applicant knows the status of his application and also able to plan resources, timely.

Q3. Do you agree with some of the stakeholders comment at pre-consultation stage that Annual Renewal process of TV channels needs simplification? Give your comments with justification?

Ans. Annual renewal process for TV channels should be made online.

Q4. Do you agree with stakeholders' comments that coordination with multiple agencies/ Government departments related to starting and operating of a TV channel can be simplified? If so, what should be the mechanism and framework for such single window system? Give your comments with justification?

Ans. There should be single window online application portal and clearance system for anyone intending to start satellite TV channel. The application process should be transparent enough for the applicant to know the status. The single window clearance system should have time frame by which the license will be issued in case all documents, facts and figures are in order. At least it will enable the applicant to provide required information to Govt. in case the need arises.

Q5. Is present framework of seeking permission for temporary uplinking of live coverage of events of national importance including sports events is complicated and restrictive? If yes, what changes do you suggest and why? Give your suggestions with justification.

Ans. Not applicable for ANN with respect to the present consultation process as ANN distributes News and Current Affairs Channels.

Q6. Do you feel the need to simplify policy framework for seeking permission/license for starting and running of following services–

(iii) Teleport services

(iv) DTH service

If yes, what changes do you suggest so that process of grant of permission/license can be simplified and expedited? Give your comments with justification.

Ans. Existing policies for starting Teleport service are quite complex. As a result, there are very few options for teleport operators in India resulting in a monopoly which affects the consumers adversely. Foreign investment should be allowed to start Teleport services.

Also there is no approval process for teleport required for disaster recovery. As a result, potential satellite broadcasters are establishing their DR teleport outside India, resulting in opportunity loss by Indian vendors as well as foreign exchange loss.

Q7. As per your understanding, why open sky policy for Ku band has not been adopted when it is permitted for 'C' band? What changes do you suggest to simplify hiring of Ku band transponders for provision of DTH/HITS services? Give your comments with justification.

Ans. Not applicable for ANN.

Q8. What are the operational issues and bottlenecks in the current policy framework related to

–

(iii) Teleport services

(iv) DTH service

How these issues can be simplified and expedited? Give your comments with justification.

Ans. Not applicable for ANN.

Q9. What are the specific issues affecting ease of doing business in cable TV sector? What modifications are required to be made in the extant framework to address these issues? Give your comments with justification.

Ans. The modifications to the cable TV sector that are needed:

- a. Uniformity in the entertainment tax across all states in India.
- b. Strict licensing requirements for the DAS License.
- c. Interoperability of STB's among MSO's and with DTH as well.

Q10. Is there a need to increase validity of LCO registration from one year? In your view, what should be the validity of LCO registration? Give your comments with justification.

Ans. Not applicable for ANN.

Q11. What are the issues in the extant policy guidelines that are affecting the ease of doing business in FM sector? What changes and modifications are required to address these issues? Give your comments with justification.

Ans. Not applicable for ANN.

Q12. Is there a need to streamline the process of assignment of frequency by WPC and clearances from NOCC to enhance ease of doing business? What changes do you suggest and why?

Ans. In case the whole application and approval process of WPC and NOCC clearances are converted to single window online system, it will help the broadcasters a lot.

Q13. What are the reasons for delay for allocation of frequencies by WPC? What changes do you suggest to streamline the process? Give your comments with justification.

Ans. Not applicable for ANN.

Q14. What are the key issues affecting the indigenous manufacturing of various broadcasting equipments and systems. How these issues can be addressed?

Ans. To encourage indigenous manufacturing of broadcast equipment, something like tax incentives should be given to both manufacturer and user. Though Indian broadcast industry is quite old and competent, no initiative has been taken to encourage indigenous manufacturing resulting 100% import of hardware and software for so many years. Alternatively, the foreign manufacturers should be encouraged to make in India which will produce job for Indians.

Q15. Is there any other issue which will be relevant to ease of doing business in broadcasting sector? Give your suggestions with justification.

Ans. No additional comments

Q16. Are there any issues in conducting trial projects to assess suitability of a new technology in broadcasting sector? Give your comments with justification.

Ans. No additional comments

Q17. What should the policy framework and process for consideration and approval of such trial projects?

Ans. No additional comments

Q18. Stakeholders may also provide their comments with justification on any other issue relevant to the present consultation paper.

Ans. No additional comments

CONCLUSION

The Government of India has taken up a series of measures to improve Ease of Doing Business. The emphasis has been on simplification and rationalization of the existing rules and introduction of information technology to make governance more efficient and effective. A report titled "Assessment of State Implementation of Business Reforms" was released on 14th September 2015. The report captures the findings of an assessment of reform implementation by States, led by Department of Industrial Policy & Promotion (DIPP) under Ministry of Commerce and Industry, Government of India with support from World Bank group and KPMG. This assessment has been conducted to take stock of reforms implemented by States in the period January 1 to June 30 2015 based on a 98-point action plan for business reforms agreed between DIPP and State/UTs and rank them according to the ease of doing business. In light of the initiatives of the present Government, we feel that the Regulator is pretty much in line with the theme of making business easy for all players including the Broadcasters to usher in an era of research & innovation driven industry which is likely to be beneficial to all the stakeholders concerned especially the end users / consumers.