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**RP/FY 19-20/075/043**

**23<sup>rd</sup> September, 2019**

**To**  
**Advisor- B& CS**  
**Telecom Regulatory Authority of India**  
Mahanagar Doorsanchar Bhawan  
Jawahar Lal Nehru Marg  
New Delhi – 110 002

**Kind Attn : Shri Arvind Kumar, Advisor - B&CS**  
**Reference : TRAI's Consultation Paper on Tariff related issues for Broadcasting and Cable services dated 16<sup>th</sup> August 2019.**

Dear Sir

Please find enclosed Bharti Telemedia Limited's submission on the TRAI's Consultation Paper on Tariff related issues for Broadcasting and Cable services dated 16<sup>th</sup> August 2019.

We trust that our submissions will merit your kind attention.

Thanking You.

Yours Sincerely,  
For **Bharti Telemedia Limited**

A handwritten signature in blue ink, appearing to be 'Seema Jindal', is written over the printed name and title.

**Seema Jindal**  
**Authorized Signatory**

**Encl: As stated above**

## **Bharti Telemedia Limited (“Airtel’s”) Response to TRAI’s Consultation Paper on Tariff related issues for Broadcasting and Cable services dated 16<sup>th</sup> August 2019.**

### **Preamble:**

The recent introduction of a new regulatory framework by TRAI for Broadcasting and Cable services led to a complete overhaul of the eco-system. The scope of implementation of this new regime was quite extensive as it involved migration all the subscriber/s as well as broadcasters/content providers on the new platform. The transition exercise necessitated the need for extensive modifications in the IT systems as well as the underlying processes and procedures at the distributors end. It required a monumental effort on the part of distributors to migrate their complete subscriber/Broadcasters and despite taking an expeditious approach, it took about 3-4 months by the entire industry to complete the migration by 31<sup>st</sup> March 2019.

For a migration activity of this magnitude, issues or complications pertaining to the migration cannot be overruled. Several challenges viz; systemic restraints, unanticipated customer behavior, stringent timelines, unprecedented traffic leading to overload on systems etc. were faced during the transition. Needless to mention, the industry overcame these challenges with rigorous efforts involving re-alignment, enhancements or systemic upgrades of the existing resources, etc. It can be easily ascertained that the migration was the outcome of overarching measures taken by the DPOs and their undeterred approach to support the new regime.

The implementation of the new regime also caused transient disruptions in business, which may be a natural consequence of such activity but its impact cannot be undermined. It is worthwhile to mention that post conclusion of migration on 31<sup>st</sup> March 2019, the participants in the value chain viz; DPOs, Broadcasters and customers are continuously striving to settle in the new framework. It will not be wrong to state that the entire industry is still in the process of stabilization and is exploring the granularity of the new regime. The current phase is very critical to assess the implications of the new framework. Having said that, the phase must continue long enough to gain a better perspective. The industry is merely 4-5 months into the new regime and this may not be an appropriate time to consider any change propositions. Any alterations in the regime at this stage will be nothing less than a migration and all the consumers, DPOs and the Broadcasters will have to plan and execute another transition. Therefore, any new changes at a time when the new regime is still evolving, may not be desirable.

We therefore, most humbly submit to TRAI, that the changes envisaged in the ongoing Consultation Paper on Tariff related issues for Broadcasting and Cable services at this stage may not be the desired approach. Any proposal of change in this phase will be premature and may not bring the desired results. Therefore, TRAI should allow more time to the industry and let it continue to operate with the ongoing framework.

Keeping in view the above submissions, the current consultation process should be kept in abeyance till the Industry stabilizes from the previous transition. We reiterate that the provisions of the new regime should continue to prevail for a sufficient period of time (at least an year or so) to have a better perspective of its implications before, any proposition for change is deliberated upon. The change should be postponed to a later date and more time be allowed for the prevailing regime to continue.

Before we proceed to present our submissions to the questions raised in the Consultation Paper, we would like to state that all our responses must be read with a caveat that changes if any, should not be introduced at this juncture and that a new Consultation Paper may be released at an appropriate time in future.

Kindly note that the response to the Consultation paper is without prejudice to our contentions and submissions in the Writ Petition No. WP NO. 4091 of 2017 pending before Delhi Court.

**Q1. Do you agree that flexibility available to broadcasters to give discount on sum of a-la-carte channels forming part of bouquets has been misused to push their channels to consumers? Please suggest remedial measures.**

**Q2. Do you feel that some broadcasters by indulging in heavy discounting of bouquets by taking advantage of non-implementation of 15% cap on discount, have created a non-level field vis-a-vis other broadcasters?**

**Q3. Is there a need to reintroduce a cap on discount on sum of a-la-carte channels forming part of bouquets while forming bouquets by broadcasters? If so, what should be appropriate methodology to work out the permissible discount? What should be value of such discount?**

**Q4. Is there a need to review the cap on discount permissible to DPOs while forming the bouquet? If so, what should be appropriate methodology to work out the permissible discount? What should be value of such discount?**

**Q8. Do you agree that price of individual channels in a bouquet get hedged while opting for a bouquet by subscribers? If so, what corrective measures do you suggest?**

**Airtel's Response:**

At the very outset, we reiterate our earlier submission that the retail tariff should be kept under forbearance while the wholesale tariff can be regulated.

Without prejudice to the above submissions, we are of the view that at this stage, no changes should be made to any of the provisions of the tariff order including the provision w.r.t discount on sum of a-la-carte channels forming part of bouquets offered either by the Broadcaster or the DPOs. Any changes at this stage will be equivalent to migration and this may not be the ideal time to cause any interference as it will also lead to unnecessary disturbances and customer dissatisfaction.

However, the above submission is without prejudice to our stance in the Writ Petition No. WP NO. 4091 of 2017 pending in the Delhi High Court.

**Q5. What other measures may be taken to ensure that unwanted channels are not pushed to the consumers?**

**Q10. How well the consumer interests have been served by the provisions in the new regime which allows the Broadcasters/Distributors to offer bouquets to the subscribers?**

**Q12. Do you feel the provision permitting the broadcasters/Distributors to offer bouquets to subscribers be reviewed and how will that impact subscriber choice?**

**Q11. How this provision has affected the ability and freedom of the subscribers to choose TV channels of their choice?**

### **Airtel's Response:**

There are currently 902 permitted private satellite television channels in India as of March 2019. The total number of channels carried by the DPOs may vary but on an average, a DPO carries between 400-500 channels. The DPOs have to offer their channels on a-la-carte basis as well.

In the new regime, the customer is empowered to choose the channels as per his/her choice and such option is available at all times. Customers have the complete flexibility to either customize & construct their own plan by choosing from the available a-la-carte channels or choose from the bouquets of Broadcasters and DPOs or both. The bouquets formed by the Broadcasters/Distributors merely act as reference packages with no obligation on the customer to select a bouquet.

The browsing and selection of channels from such a vast directory of a-la-carte channels may not be preferred by all the customers. There is a section of customers who are not tech savvy or some customers may not be inclined to invest the time required in choosing from the a-la-carte option. For such customers, channel bouquets/packages are an easy alternative to the a-la-carte channels.

The bouquets are a customer friendly feature as they ease the customer's journey of selection of channels and hence, are indispensable. It is also true that while the composition of a bouquet may not completely meet the requirements of all customers, it definitely offers a choice that may closely resonate with the expectations of a large section of customers. Further, the flexibility to change the bouquet/plan is at the disposal of the customer, hence, neither any bouquet nor any pack chosen by the customer are binding upon the customer.

*Therefore, we suggest that the current provisions on bouquets be allowed to operate as is and any changes proposed be withheld.*

(The submissions are without prejudice to our stance in the Writ Petition No. WP NO. 4091 of 2017 pending in the Delhi High Court)

**Q6. Do you think the number of bouquets being offered by broadcasters and DPOs to subscribers is too large? If so, should the limit on number of bouquets be prescribed on the basis of state, region, target market?**

**Q7. What should be the methodology to limit number of bouquets which can be offered by broadcasters and DPOs?**

### **Airtel's Response:**

While we do not favor any changes immediately, we do suggest that at a later stage, the Authority can consider rationalization of the number of bouquets by introducing a limit on the number of bouquets as well as limit the number of times changes can be made in the bouquet/s. Such a measure will safeguard the customers' interest by shielding them from interferences in the form of frequent changes in the bouquet/s prices. In this regard, we submit that the Broadcasters can be allowed to make cyclic revisions on a fixed date as per the following frequency.

- Change in the composition of bouquets : Once in every 6 months

- Change in the price of existing bouquet with no change in composition : Once in every 3 months

With respect to the Distributor's Bouquet, it is known that the Distributor is a closet link to the customers and is therefore, expected to assess and serve the requirements of the customers. The DPOs are also required to ensure performance within the defined and mandated QoS parameters. Therefore, to effectively discharge their obligations, a greater flexibility should be provided to the DPOs in terms of designing their bouquets while also keeping the customers' interest in mind. This would help to serve customers better while also enabling the DPOs to continue complying with all applicable parameters.

Hence, we suggest that the DPOs should continue to enjoy flexibility in terms of formation of bouquets as well as subsequent changes to be made thereto.

(The submissions are without prejudice to our stance in the Writ Petition No. WP No. 4091 of 2017 pending in the Delhi High Court)

**Q9. Does the ceiling of Rs. 19/- on MRP of an a-la-carte channel to be part of a bouquet need to be reviewed? If so, what should be the ceiling for the same and why?**

**Airtel's Response:**

The ceiling on the MRP of an a-la-carte channel also serves the purpose of controlling the unreasonable pricing of the bouquets. We therefore, recommend *to continue with the current ceiling and no change should be made in the ongoing provisions at this stage.*

**Q13. How whole process of selection of channels by consumers can be simplified to facilitate easy, informed choice?**

**Airtel's Response:**

The DPOs are already making immense efforts to simplify the whole process of selection of channels by the consumers.

We at Airtel, we would like to affirm that Airtel has always followed a customer centric approach in all its process, practices, deigns and systems. In its constant endeavor to enhance the customer's journey, Airtel has been providing multiple options via diverse platforms for customers to select, change or customize their channels/plans/packages.

We assure you that the commitment to ease the journey is manifested in terms of multiple platforms available to the customers for exercising their choice to choose. Some of the key platforms are given below:

**i. Website**

- A conspicuous section on Airtel website is displayed, which directly leads the customers to a section where the option to choose channels of their choice can be exercised.
- Another link to do the same is available at the Consumer Corner on the Airtel Website.

**ii. Mobile App**

The option to exercise the customer's choice is also active on the Airtel Mobile App.

**iii. Leveraging TV screen using technology**

We also offer the functionality of an interactive feature on TV screen to make selection.

**iv. Call centers**

These options can also be exercised by the customers with the help of call centers, which are thoroughly equipped to cater the customers' requirements.

**v. Missed Call Alert**

To further ease the selection/de-selection of channels/bouquets, we have also enabled the facility of activation of a channel via a missed call alert. A similar functionality is also being explored for the de-activation of a channel. Airtel's recent initiative to add a missed call feature was also appreciated by the Authority as it allows the customers to add channels simply by giving a missed call at the number displayed on their TV screens for each channel. This particular feature is over and above the requirements mandated in the TRAI regulation.

As is evident from the above, the multiplicity of options including the Airtel App, Airtel website, SMS, Call, and an interactive feature on TV via the dedicated channel No.998 illustrates our commitment to lead the initiative of augmenting the ecosystem for easing the customer's journey.

Needless to mention, all these options have been designed to provide ample ease and convenience to the customers to choose or change the channels /bouquets at any time. The plan selection feature is being continuously upgraded to ease the user experience by adding new features or supplements to these modes. We wish to confirm that Airtel is constantly working not only to optimize the customer experience but also to make it a lot more convenient for the customers. As per the statistics till August 2019, 6.9 million of Airtel DTH subscribers (which is 55% of the active subscriber count) had exercised their options including channel addition and deletion through various options/ platforms provided by Airtel DTH. Therefore, the competency, adaptability as well as ease of access of such platforms for Airtel customers is clearly manifested from these statistics.

The extensive measures taken by the DPOs exhibits their commitment to enhance the experience of the customer. While the customer interest remains paramount, the DPOs are equally benefitted if the customer's journey is made easy as it helps the DPOs to save costs in terms of reduced stress on the resources. This further leads to optimum use of available resources as well as reduced calls at call center/s contributing to savings. Thus, the intention to simplify the process equally serves the business interest of the DPOs and the Authority can easily trust the DPOs' intention to innovate and design more user friendly options in the future. Therefore, we again reiterate that no changes should be made and that the DPOs' existing flexibility and freedom to explore and formulate new ways of creating customers ease should be continued.

(The submissions are without prejudice to our stance in the Writ Petition No. W.P. No. 4091 of 2017 pending in the Delhi High Court)

**Q14. Should regulatory provisions enable discount in NCF and DRP for multiple TV in a home?**

**Q15. Is there a need to fix the cap on NCF for 2nd and subsequent TV connections in a home in multi-TV scenario? If yes, what should be the cap? Please provide your suggestions with justification.**

**Q16. Whether broadcasters may also be allowed to offer different MRP for a multi-home TV connection? If yes, is it technically feasible for broadcaster to identify multi TV connection home?**

**Q17. Whether Distributors should be mandated to provide choice of channels for each TV separately in Multi TV connection home?**

**Airtel's Response:**

The current Tariff Order, 2017 does not address the issue of multi-connection. Therefore, TRAI's committee recommended as under:

- a) DPOs should be permitted to offer discount in Network Capacity Fee (NCF) for the second TV in case of Multiple TV connections in a household and there should not be any limit on the discount on NCF. Such discounts should be uniform and non-discriminatory.
- b) DPOs should ensure that this should not be misused for providing connection in commercial organizations like hotels, hospitals, shopping malls, etc.
- c) DPOs shall publish on their website, the tariff policy for multiple TV connections in a household clearly indicating applicable discounts.
- d) DPOs should not be permitted to offer discount on monthly DRP of channels and bouquet of channels for the second TV for multiple TV connections in a household.
- e) DPOs must ensure that subscribers have the choice to select the channels for each TV in a given household individually.
- f) DPOs should publish and report to the Authority NCF for the second TV in case of multiple TV connections in a household.

**We propose a complete paradigm shift on the current approach followed for the multi-connections. The need of the hour is that a single subscription of a content/linear channel by a customer should be agnostic to the distribution platform being used. With this objective, we propose the following:**

1. In the present scenario, the subscribers have to pay subscription charges for a channel to multiple distributors if they wish to view the same channel on multiple platforms. Thus, it leads to a burden on the subscribers. This calls for a de-linking of the subscription of channels with the subscription of distribution platform.
2. In the previous regulatory regime, it was not possible to segregate the pricing of channels from the price charged by distributor for using its network. However, with the introduction of the new regime, the pricing of broadcasting channels and network capacity of Distributor has been segregated, which means that customers can now choose to subscribe the channels they wish to watch and pay for them individually. The distributors, on the other hand, are compensated by



network capacity fee for the capacity rendered by them for enabling access to those channels on their platform.

3. However, customers still have to pay individually to each distributor (and ultimately to the broadcaster) for accessing the same channel on its distribution platform. Ideally, if a customer has already paid subscription charges for a channel to a broadcaster for accessing its channel on one distribution platform, then they should be able to access that channel over any platform.
4. A technical solution can be used for sharing subscription information of customers across the distribution platforms to enable the customers to avail subscription of channels on one platform, which can be used by the customer to view that channel on any platform.

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5. This model of de-linking broadcast subscription and distributor subscription will yield the following benefits:
  - a. Customer will not be required to pay individually to each distribution platform for accessing a channel for which he has already paid subscription charges to one Distribution Platform.
  - b. It will help the customers to switch from one operator to another as they will be able to use the same subscription on another platform.
  - c. It will help customers to simultaneously access channels on multiple type of platforms depending on the situation (place & preference).

In light of above, we propose that once the customer has opted the subscription of a channel say on a DTH platform, the same should be allowed to be viewed on any platform such as TV, laptop, tablet, etc. In other words, the scope of multi-connection should not only encompass the TV screen but should also be extended to other screens such as mobile, laptops, etc. as long as the customer has subscribed to that content on one of primary connection. In line with the above proposition, the definition of multi connection can also be specified to avoid any conflicts between the entities in the ecosystem. We suggest that the mutli-connection/subscription can be defined as a service/ facility made available, on the request of any customer, to have more than one device including TV, STB, mobile screen or laptop etc. on the same, but up to a maximum of 4 such devices in the name of the same customer.

**Q18. How should a long term subscription be defined?**

**Q19. Is there a need to allow DPO to offer discounts on Long term subscriptions? If yes, should it be limited to NCF only or it could be on DRP also? Should any cap be prescribed while giving discount on long term subscriptions?**

**Q20. Whether Broadcasters also be allowed to offer discount on MRP for long term subscriptions?**

**Airtel's Response:**

Long term subscriptions were prevalent in the previous regime and hence the customers demand is emanating from the historical practice more so on the account of the ease these long term packs offer. The Tariff Order 2017 mandates the Network Capacity Fee (NCF) and distributor retail prices (DRPs)

of channels and bouquet of channels on monthly basis and does not address the provision of long term packs. Pursuant to receipt of several complaints from subscribers on the discontinuation of the long term subscriptions by various service providers, the TRAI constituted Committee also reviewed the matter of discount in NCF and DRP by DPOs on long term subscriptions.

Therefore, to work out an amicable solution, the Committee recommended the following:

- a) Any subscription with advance payment for a duration of 3 months/6 months or more shall be treated as long term subscription.
- b) DPOs should be permitted to offer discount on NCF, declared on a monthly basis, for long term subscriptions and there should not be any cap on such discounts on NCF offered to the subscribers. However, such discounts should be uniform and non-discriminatory for all subscribers.
- c) DPOs should be permitted to offer a discount of up to 15% on declared monthly Distributor Retail Prices (DRP) of channels and bouquet of channels formed by DPOs as well as broadcasters for long term subscriptions. These discounts again, should be uniform and non-discriminatory for all subscribers.
- d) DPO should publish and report to the Authority the NCF and DRP for all long term subscriptions as per the extant Regulations and tariff order or as directed from time to time.

**We submit that the Committee has already addressed the requirements with respect to Long Term Subscriptions or Long Duration Packs, and hence, any further change at this stage may not be necessary.**

Further, to maintain the sanctity of such long term subscriptions, this feature of the service should be extended to be recognized and accepted by the Broadcasters. The Broadcasters should be made to honor these LDPs in the form of passing the corresponding discounts to the DPOs by way of ARP bouquets. This will ensure effective realization of the service across all players in the chain. In terms of clause 17 of QoS Regulation, a DPO is obligated to offer price protection to its subscribers for any scheme with a lock-in period or advance schemes. We submit that there should be a similar provision for the Broadcasters as it will enable the DPOs to honor such obligations.

(The submissions are without prejudice to our stance in the Writ Petition No. WP NO. 4091 OF 2017 pending in the Delhi High Court)

**Q21. Is the freedom of placement of channels on EPG available to DPOs being misused to ask for placement fees? If so, how this problem can be addressed particularly by regulating placement of channels on EPG?**

**Q22. How the channels should be listed in the Electronic Program Guide (EPG)?**

**Airtel's Response:**

There has been no misuse of the freedom available to DPOs w.r.t placement of channels on EPG and we believe that the existing practice should be continued.

The EPG lineup design is mainly driven by the following fundamental principles:

- a. Customer viewing preferences

- b. Ease of discoverability of content
- c. Customer convenience

For example, a large section of the Indian audience views both Hindi and English content. Hence, it is for the ease of customers that some of the English and Hindi channels are clubbed together and categorized as per the genre e.g. Hindi GEC, English GEC, Hindi movies, English movies, etc. This enables the customers to watch their preferred content with ease without having to skip large sections of channels which are not relevant to them while moving from any Hindi to English Channel or vice versa.

Other than Hindi & English language channels, all other channels are categorized either as per the genre (e.g. Sports, Kids, Lifestyle, Infotainment, etc.) or as per the regional language (e.g. Tamil, Telugu, Marathi, Bengali, etc.) with content further sub-classified as per the genre. This makes it convenient for the customers to view channels in their preferred language in a contiguous section arranged by genre (within the language) so that they do not have to jump from one LCN set (say GEC genre) to another LCN set (e.g. Movie genre) which may have been placed far apart.

This lineup of channels is a standard practice currently being followed in the industry and the customers are accustomed to this channel line-up as this is the practice prevalent over several years. Changing the LCN line-up as per the genre/ language will impact all the LCNs and will lead to massive customer confusion and chaos.

It is worthwhile to mention that whenever we have tried to effect any changes to this line-up in the past, even for a few channels, we have received considerable consumer backlash and complaints as this disrupts their regular viewing routine and impacts them adversely. Therefore, any EPG provisions should be customer centric and offer ease and convenience to the customer. It is recommended that the current practice of EPG line-up be continued. Any change will only contribute to huge customer dissatisfaction.

*Therefore, we submit that any fear of misuse of EPG line-up is unfounded and that the EPG placement should be status quo. As the existing practice/s are highly customer friendly and well adapted, these should be allowed to continue.*

(The submissions are without prejudice to our stance in the Writ Petition No. WP NO. 4091 OF 2017 pending in the Delhi High Court)

**Q23. Whether distributors should also be permitted to offer promotional schemes on NCF, DRP of the channels and bouquet of the channels?**

**And**

**Q24. In case distributors are to be permitted, what should be the maximum time period of such schemes? How much frequency should be allowed in a calendar year?**

**And**

**Q25. What safeguards should be provided so that consumers are not trapped under such schemes and their interests are protected?**

**Airtel's Response:**

The concept of promotional schemes or offers is a very common phenomenon in almost all the industries. Such promotions generally correspond with important events, festivals or as a sales driver.

Therefore, depriving the DTH sector of such flexibility is unjust and lacks any merit. Having said that, the promotional offer schemes should be left under forbearance so as to encourage innovations at the DPOs' end. These schemes or offers can be mandated to be reported with TRAI post launch. In this way, the sanctity of the ecosystem will be maintained. This model has worked well in the telecom industry and therefore, it can be replicated for the DTH industry as well. It goes without saying that the Authority can intervene for any lapses/non-compliances.

The new tariff order allows the customers to modify its plan or package at any point of time. This is a unique as well as customer empowering feature. Further, the customer has the option to exit the scheme if their interests are not served. Therefore, there is already an inherent safeguard provided to consumers under the tariff order.

(The submissions are without prejudice to our stance in the Writ Petition No. WP NO. 4091 OF 2017 pending in the Delhi High Court)

**Q26. Whether DPOs should be allowed to have variable NCF for different regions? How the regions should be categorized for the purpose of NCF?**

**Airtel's Response:**

Variations in NCF:

The current regime does not cover this aspect holistically. Permitting variants of NCF is a welcome proposition and the same should be allowed.

The variation in NCF can be permitted for a category of customers if such category is formed on a rationale that it does entail any discrimination between subscribers of the same class and such classification of subscribers is not arbitrary.

The variants of NCF can be designed on the basis of many criteria's including but not limited to regions, ARPU, category of customers, DAS area wise or any other category. Such category /classification can be formulated by the DPOs based on the needs of the customers. This flexibility will help in designing and customizing specific plans catering to the specific segment, region, area, class etc. and will also enable them to devise tariff offerings as per the pulse of the customer.

Further, the Authority can specify the DPOs to follow the reporting requirement with respect to such NCF segments as well as for all subsequent changes. The reporting will help the Authority to monitor and intervene, whenever required.

(The submissions are without prejudice to our stance in the Writ Petition No. WP NO. 4091 OF 2017 pending in the Delhi High Court)

**Q27. In view of the fact that DPOs are offering more FTA channels without any additional NCF, should the limit of one hundred channels in the prescribed NCF of Rs. 130/- to be increased? If so, how many channels should be permitted in the NCF cap of Rs 130/-?**

**Airtel's Response:**

The current ceiling on NCF specified at INR130 /- per month for 100 channels should continue and it does not merit any change.

With respect to the composition of Bouquets comprising more than 100 FTA channels, this should be treated as arising from the inherent flexibility it offers to the DPOs under the prevailing regime. Any FTA channels, over and above the 100 channels, can be enabled through CF top-up and the DPOs should be allowed to continue with the freedom to decide the charge of such top ups. This top-up proposition will be aligned with the new regime if it meets the core objectives envisaged in the tariff order, more specifically for the following reasons/conditions:

- i. It confers flexibility and freedom to the DPOs
- ii. It complements the existing offers of the DPOs
- iii. **Top Up protects the customer's right to choose**  
The subscriber's right to choose should continue to remain sacrosanct at all times. Thus, if the customer wants to exercise the unfettered right to change the pack without any limit on the number of times, this should be allowed, and such flexibility is not prone to misuse.
- iv. **Non Discriminatory:**  
Top-ups should meet the principle of non-discrimination
- v. **Customers Consent is taken for any chargeable service.**
- vi. **Top Up should not have any adverse impact on the customers.**
- vii. **Top-up offers benefit/ease/convenience to the customers:**

It may provide benefit/convenience to customers in terms of availability of additional channels without having to go through any additional process or inconvenience, which is in the interest of the subscribers.

(The submissions are without prejudice to our stance in the Writ Petition No. WP NO. 4091 OF 2017 pending in the Delhi High Court)

**Q28. Whether 25 DD mandatory channels be over and above the One hundred channels permitted in the NCF of Rs. 130/-?**

**Airtel's Response:**

The count of 25 DD mandatory channels should be part of the initial channels permitted in the NCF component applicable for 100 such channels.

**Q29. In case of Recommendation to be made to the MIB in this regard, what recommendations should be made for mandatory 25 channels so that purpose of the Government to ensure reachability of these channels to masses is also served without any additional burden on the consumers?**

**Airtel's Response:**

NA

**Q30. Stakeholders may also provide their comments on any other issue relevant to the present consultation.**

## **Airtel's Response:**

**In response to this question, we proposed the following two proposals:**

- 1. Single Subscription : Platform agnostic so as to enable multi-screen viewing of Linear Channels**
- 2. Must Provide Concept to be extended to Mobile-TV**

### **1. Single Subscription**

In the new framework of 2017, Broadcasters have been given complete freedom to price their TV channels and therefore, the Broadcasters enjoy the flexibility to decide retail price directly for the customers/ subscriber in the form of maximum retail price. The Broadcaster is essentially, recovering its specified price from the Customers via the Distributor. The new regime has brought transparency in the entire value chain and therefore, the price applicable for a channel is explicitly visible.

In the current situation, while the Customer pays the price demanded by the Broadcasters, the linear channel viewing is confined to the TV screens only. There is a need to recognize that the customer preferences are changing and now they are more inclined to watch the Broadcasting content/Linear channels as per their convenience, and on any device at their disposal i.e. TV (DTH/Cable), Laptop, Tablet, Mobile phone, etc. Moreover, the trend of use of mobile devices for consuming linear channels is also on the rise.

Therefore, there is a need to extend the concept of linear channel viewing to other devices apart from TV. This shift is desirable and is emanating from the customer demanding flexibility. Therefore, it is unreasonable that the subscription of a Linear Channel is confined to a TV screen and the customer is required to separately subscribe and pay for viewing the same linear channel on a mobile phone.

In the fast changing technology domain, which supports provisioning of Linear content on multiple technologies, it is imperative that the benefits of the technology are also offered to the customers. Therefore, the need of the hour is to offer a seamless experience to the customer to enable them to watch the broadcasting content/ Linear Channels on all devices, as per their preference once the customer has already availed the subscription of the Linear Channel from a distribution platform provider.

To enable the customer to view its broadcasting subscription with respect to linear channels on all screens as per its preference / requirement, it is essential that the principle of 'Must Provide' should apply to all Linear Channels for various screens including mobile phones. Having said that, the principle of "must provide" can be confined to live view of linear channels with the exclusion of time shift TV, which is one of the features being offered on the internet based distribution platforms.

As this is a customer centric measure, we trust the Authority will favorably evaluate this proposal and introduce necessary provisions to enable the customer to view Linear Channels on multiple screens of their choice.

## 2. Extension of 'Must Provide' Principle to Mobile-TV.

Today there is an increasing trend of consumption of broadcasting content including Linear TV channels on the Mobile. Increase in mobile internet speeds, driven by 4G networks, coupled with highly affordable data plans has led to a significant shift in consumer preference towards Mobile-TV, which provides personal viewing experience to the users. In technological terms, provision of Linear TV services over Public/Mobile Internet is akin to IPTV services due to availability of high speed Internet available on mobile phones.

However, the prevailing regulatory framework is yet to recognize Mobile-TV despite its growing popularity and technological similarity with IPTV. The present framework for the distribution of TV Channels in India covers only DTH, MSOs, HITS and IPTV. As a result, Mobile-TV is unable to take benefit of the Must provide principle and no RIO is published by Broadcaster for Mobile-TV.

The non-inclusion of Mobile-TV under must provide principle has led to a denial of right to customers to access the TV Channels through the distribution platform of their choice. The absence of regulatory mandate to broadcasters to provide their channels to Mobile-TV enables them to discriminately choose the mobile platforms with which they want to share their linear TV channels.

It is worthwhile to mention that the distribution platforms available today did not come into existence simultaneously, and were a result of technological developments. Cable television, which was the first distribution platform, came into existence in India in 1983 when Doordarshan started its services on cable networks in rural areas of Rajasthan. But with advancement in technology, various distribution platforms were introduced and recognized by the Regulatory Regime (DTH services were introduced in 2001, IPTV in 2006 and HITS in 2009). Therefore, at the time when Broadcasting services were introduced in India, all the distribution platforms that exist today, were not present.

However, with the advancement in technology, various Distribution Platforms were added to the policy framework. After 2012, mobile broadband gained huge popularity with over 550 million wireless broadband users in the country. Therefore, it is high time that Mobile-TV is covered under the 'must provide' principle with respect to live view of linear channels only (excluding the time shift TV feature available on internet based distribution platforms).

Not extending the benefit of 'must provide' to mobile-TV poses a threat to net neutrality principles as well. Under the net-neutrality rules (as per licensing conditions), Telecom Service providers (TSPs) cannot block any content flowing through their networks. This content also includes the Linear Channels of broadcasters. Thus, TSPs are mandated to carry the Linear Channels through their networks in a non-discriminatory manner. Even TSPs cannot charge

for data differently on the basis of content, as the same is prohibited under the TRAI's regulation.

On the other hand, broadcasters have the choice of not providing a Linear Channel to TSPs or charge it exorbitantly for Mobile-TV. The absence of regulatory mandate enables the broadcasters to discriminately choose the mobile platforms. Also, in absence of RIO for TSPs, the broadcasters can charge exorbitant rates for their channels from TSPs, which can act as virtual denial of Linear channel to TSPs for Mobile-TV. Therefore, it is not only important to extend the 'Must Provide' principle to Mobile-TV but also ensure that broadcasters publish their RIOs for Mobile-TV at the rates and terms and conditions prescribed by TRAI.

TRAI has prescribed the RIO for traditional Distribution Platforms such as Cable/MSOs, DTH, HTS, IPTV. Since these distribution platforms are meant for family viewing, the RIO for these traditional platforms cannot be similar to mobile TV viewing, which is a personalized viewing.

Currently, out of 298 million Indian households, only 197 million households own a Television. Out of the 197 million households, merely 4% households own multiple TVs. As per the BARC Survey, the average family size of the TV-owning households in India currently stands at 4.25 individuals. Of this, on an average, 3.46 individuals per household prefer watching TV together. Therefore, while finalizing the RIO for mobile TV, the above facts may kindly be considered by the Authority.

To conclude, we again submit that extension of the 'Must Provide' principle along with publishing of RIO for Mobile-TV is critical for enabling consumers to exercise their choice for distribution platform.



for data differently on the basis of content as the same is prohibited under the TRAI's regulation.

On the other hand, broadcasters have the choice of not providing a linear channel to ISPs or change it exclusively for Mobile-TV. The absence of regulatory mandate makes the broadcasters to discontinuously choose the mobile platform. Also, in absence of RIG for ISPs, the broadcasters can charge exorbitant rates for their channels from ISPs, which can act as a critical deterrent of linear channel to ISPs for Mobile-TV. Therefore, it is not only important to extend the 'first provide' principle to Mobile-TV but also ensure that broadcasters publish their RIGs for Mobile-TV at the rates and terms and conditions prescribed by TRAI.

TRAI has prescribed the RIG for traditional Distribution Platforms such as Cable/MSO, DTH, IPTV, etc. since these distribution platforms are meant for family viewing and RIG for these traditional platforms cannot be similar to mobile TV viewing, which is a personalized viewing.

Currently, out of 298 million Indian households, only 197 million households own a Television. Out of the 197 million households, merely 45% households own multiple TVs. As per the B/RG survey, the average family size of the TV owning households in India currently stands at 4.22 individuals. Of this, on an average, 246 individuals per household prefer watching TV together. Therefore, while defining the RIG for mobile TV, the above facts may kindly be considered by the Authority.

To conclude, we agree submit that extension of the 'first provide' principle along with publishing of RIG for Mobile-TV is critical for enabling consumers to exercise their choice for distribution platform.