

SUBJECT: TRAI Consultation Paper on Guidelines/Accreditation Mechanism for Television Rating Agencies in India dated 17th April, 2013

We at VOICE as part of our advocacy initiative in Telecommunications & Broadcasting continuously raise different issues with Policy makers impacting consumers based on the knowledge through Consumer feedbacks.

As registered CAG with TRAI we are in forefront of providing inputs to TRAI related to consumer concerns and interests.

In continuation of this effort on behalf of Broadcasting consumers we at VOICE have following response to the questions posed in the consultation paper:

VOICE comments are as under:-

Q1. Which of the model described in para 4.4 should be followed for regulating television rating services in India?

A1: Option 4.4 (a) is preferable as issues involved are complex including freedom of expression, public opinion and serious commercial implications. Fortunately in this case stakeholders are many and equally strong accept for the consumer. Of course this whole system of accreditation, measurement, audit etc. Should be governed by the regulator prescribed guidelines with residual supervisory role, something akin to Co-operative society act.

Q2. Please give your comments on the eligibility conditions for rating agencies discussed in para 4.7.

A2: Apart from the essential eligibility conditions for the rating agencies mentioned in para 4.7, rating Agency should not have, in its Memorandum of Association any activity leading to conflict of interest with its main objective of Rating like consultancy or any such advisory role.

Q3. Please give your comments on the guidelines for methodology for audience measurement, as discussed in para 4.19, for television rating systems.

A3: The parameters should also include-

- a. Sample should reflect the country demography in respect of a age, culture, religion, economic class, class I,II, III cities as well as urban, semi-urban, rural classes etc.

b. Data from the SMS of MSOs/DTH operator should predominantly be used in addition to relevant data for terrestrial user data.

Q4. What should be the minimum panel size (in terms of numbers of households) that may be mandated in order to ensure statistical accuracy and adequate coverage representing various genre, regions, demographics etc. for robust television rating system? Should the desired panel size be achieved immediately or in a phased manner? In case of implementing the desired panel size in phased manner, what should be the quantum of increase and periodicity of such increase in size?

A4: Minimum panel size should be at least 50,000 to start with and should reach 5 lacs within 5 years. It has to specify the distribution and size e.g.

Metros A,B,C	5000 each
Class I cities	2500 each
States (semi urban/rural)	1000 in each state

Q5. Please give your suggestions/ views on as to how secrecy of panel homes can be ensured?

A5: One possible way is to include 20% dummies in the panel (like placebos) and id of the monitoring device (like people meter) should be separated from user's ID (similar to the roll nos. in examinations).

Q6. Please give your comments on the cross holding restrictions for rating agencies as discussed in para 4.23.

A6: Negative list should also include MSOs, LCOs, aggregators, Film Companies/studios, Model/artist management companies, Event management companies, consultants and advisors in medi/advertisement space and such others.

Q7. Please give your comments on the complaint redressal mechanism discussed in para 4.25.

A7: Complaint redressal mechanism can generally be in the lines of DTH system but escalations have to finally reach TRAI with substantial penalties.

Q8. Whether the rate card for sale and use of ratings should be published in the public domain by the rating agencies?

A8: Yes it should be in public domain with absolutely no secrecy as to system adopted, methodology and results.

Q9. Whether other users apart from broadcasters, advertisers and advertisement agencies be allowed to obtain the rating data from the rating agencies? If yes, who all should be allowed to obtain and use the data from the rating agencies? What restrictions should be imposed on use of the rating data by users?

A9: Absolutely no restrictions.

Q10. Whether the user should be allowed to share the data provided by the rating agency with third parties or publically accessed media.

A10: There can be 2 possible models for compensating the rating agencies.

- a) In case where the industry is responsible for accreditation a corpus may be set up with contributions from all the stake holders as a %age of their turnover from which rating agencies can be compensated based on a fixed criteria like panel size, variety of data captured, quality of data and data analysis etc. In this case the data is whole industry's property.
- b) In case reports are sold by Rating Agencies, IP of the data may be ascribed a life of say 3 months after which it can be shared without restrictions.

Q11. Please give your comments with regard to the parameters/procedures, as suggested in para 4.34, pertaining to mandatory disclosures for ensuring transparency and compliance of the prescribed accreditation guidelines by rating agencies.

A11: Should also include quarterly audit reports and complaint redressal statistics.

Q12. Please give your comments with regard to the parameters/procedures, as suggested in para 4.37, pertaining to reporting requirement for ensuring effective monitoring and compliance of the prescribed accreditation guidelines by rating agencies.

A12: Should also include any investigations, cases, complaints or any adverse observations by any government or statutory agency.

Q13. Please give your comments on the audit requirements for rating agencies as discussed in para 4.42.

A13: Audit requirements should be part of accreditation procedure. Rating agencies should also be encouraged to go for 3rd party system certification like ISO.

Q14. Who should be eligible to audit the rating process/system?

A14: Eligibility criteria of the auditors should be part of accreditation process. May be help of an International agency can be sought.

Q15. What regulatory initiatives are required to promote competition in rating services?

A15: There should not be any restriction on scope of operations. Actually varied operations will get better results. The only real incentive for wider competition is to make this business rather lucrative by may be providing a minimum fund commitment from user industry. We can also think of FDI as internationally the expertise is definitely available.

Q16. In case guidelines/ rules for rating agency are laid down in the country, how much time should be given for complying with the prescribed rules to existing entities in the rating services sector, which are not in compliance with the guidelines?

A16: One year is reasonable time.

Q17. Do you think integrating people meter with set top boxes is a good solution? If yes, how to encourage such systems?

A17: This actually is the best solution which can facilitate-

- a. Random sampling
- b. Secrecy of panel
- c. Real time rating
- d. Better competition

The way to facilitate this is that broadcasters or rating agencies should incentivise the MSOs in installing such hardware. May be The Government or Regulator should prescribe a date (say 5 years from now) after which only integrated STBs will be allowed like digitisation.

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

- A18:
- This is one area where International inputs/FDI is desirable.
 - All the regulations/process should be planned with a least a 10 year horizon
 - This can be the best example of self regulation for the industry with widely represented governing council.

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