

New Delhi, the 22nd February, 2013

DIRECTION

Subject: Direction to Local Cable Operators under Section 13 of the Telecom Regulatory Authority of India Act, 1997, for implementation of Digital Addressable Cable TV Systems (DAS).

No.16-1/2013-B&CS.----- Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority] established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 and entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services, lay-down the standards of quality of service to be provided by the service providers and to ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39, --
(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and
(b) published under notification number.S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4, has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority had in exercise of powers conferred by section 36, read with sub clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, notified the "Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012)" (herein after referred to as the Standards of Quality of Service Regulations) on 14th of May 2012.

4. And whereas regulation 20 of the Standards of Quality of Service Regulations, provides as under:-

"20. Setting up and operationalisation of subscriber management system.- Every multi system operator shall, before providing cable services through Digital Addressable System, establish, set up and operationalise its subscriber management system and such subscriber management system shall comply with the digital addressable cable TV system requirements as mentioned in the Telecommunication (Broadcasting and Cable Services)

Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012, for ensuring efficient and error-free service to the subscribers by recording and providing individualized preferences for channels, billing cycles or refunds”;

5. And whereas the Multi-System Operators operating in notified areas of DAS are required to comply with the provisions of regulation 20 of the above-mentioned regulations and ensure that all the relevant subscribers details including choice of channels/bouquets in respect of all the active set-top boxes in the subscriber management system have been completely entered into the said system;

6. And whereas, regulation 24 of the said Standards of Quality of Service Regulations, provides as under:-

“24. Intervention by Authority in certain cases.-- The Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the subscribers or monitoring the performance of quality of service standards of the multi-system operator or its linked local cable operator or for ensuring compliance of the provisions of these regulations”

7. Now, therefore, the Telecom Regulatory Authority of India, in exercise of the powers conferred upon it under section 13, read with sub-clause (i) and (v) of clause (b) of subsection (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), directs that;

(a) All the Linked Local Cable Operators of the multi-system operators operating in DAS areas shall ensure that, the consumer application forms, in respect of all the subscribers where the Set-Top-Boxes have been seeded, duly filled and complete in all respect (all the relevant consumer details and his choice of channels/ bouquets) have been collected from the subscribers and the same are provided to the linked multi-system operators.

(b) A compliance report in this regard shall be submitted by all linked local cable operators to the Authority containing the following details:-

- (i) total number of STBs received from the linked multi-system operator(s).
- (ii) total number of STBs seeded and operationalised.
- (iii) total number of consumer application forms duly filled and complete in all respects (all the relevant consumer details and his choice of channels/ bouquets) submitted to the linked multi-system operator(s).

8. A compliance report with respect to information in sub-paragraphs (a) and (b) of paragraph 7 shall be submitted to the Authority within 7 days from the date of issue of this Direction.

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To,

All LCOs operating in the notified areas of 1st Phase of DAS