

RESPONSE TO CONSULTATION PAPER ON
QUALITY OF SERVICE IN DIGITAL
ADDRESSABLE SYSTEM AND CONSUMER
PROTECTION

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Introduction:

At the outset we would like to thank the Authority for publishing the Consultation Paper on Quality of Service in Digital Addressable System and Consumer Protection for Broadcasting TV Services and giving us an opportunity to furnish our comments.

A comprehensive relook of the existing QoS & Consumer protection regulations and prescribing the uniform regulatory framework would help in increasing the trust and ease in doing business by the various service providers/Distribution Platform Operators and increase in consistent consumer awareness.

Our primary submissions for the present consultation are as follows:

1. As far as the present market conditions are concerned, we submit that the contours for the QoS Regulatory framework for the Digital Addressable System should be based on **Regulated QoS Framework** as like in other telecommunication services.
2. The present QoS Regulatory framework is limited to regulating the services from MSO/DPO till consumer end i.e. commencing from the intermediary level only. We believe that the QoS and Consumer Protection regulatory framework should streamline the services from first level of value chain i.e. from Broadcaster till the consumer end. QoS Regulatory framework should be broadened enough to examining the direct impact of content monopoly in subscriber choice. QoS should regulate the transparency level from Broadcaster with regard to price/charge they levy for their contents and the said information to be made available to consumers as well. This will ensure eradication of content monopoly by the Broadcasters.
3. We submit that though the contours for QoS & consumer protection shall be on **Regulated QoS Framework**, we request the Authority to enforce some basic regulations that has been issued since the last few years like having an agreement between all Broadcasters and DPOs & DPOs and LCOs, tariffs published by Broadcaster and DPOs and issuing bill to the subscriber etc. before enforcing the regulated QoS framework. Unlike Telecom where there is only one entity, in broadcasting there are three entities - broadcaster, DPO and LCO. Added on to that the cable TV sector was operating in a non-transparent manner before digitization came in. It is a changeover to a new mode of working.
4. Encouraging with regard to lesser documentation such E - CAF, merging the two documents such as Manual of Practice and Consumer Charter and placing the same on the website/home channel link instead of hard copy deliverable to the customers would pave the way for ease in doing the business.
5. The Authority to look into the definition and ownership of billing, delivery of bills and issuance of receipt to the customers. The onus on providing bills and receipts to customers should be squarely placed on one of the entity (either the MSO or the LCO) along with the right to collection of revenues from the end subscribers.

We once again thank the Authority to giving us this opportunity to put forth our views/comments on the proposed amendment to interconnect Regulations.

Q 1. What should be broad contours for QoS Regulatory framework for digital addressable systems? Please furnish your comments with justification.

We submit that the broad contours for QoS Regulatory framework for digital addressable systems should be based on Regulated QoS Framework as like in other telecommunication services.

The present QoS Regulatory framework is limited to regulating the services from MSO/DPO till consumer end i.e. commencing from the intermediary level only. We believe that the QoS and Consumer Protection regulatory framework should streamline the services from first level of value chain i.e. from Broadcaster till the consumer end. QoS should regulate the transparency level from Broadcaster with regard to price/charge they levy for their contents and the said information to be made available to consumers as well. This will ensure eradication of content monopoly by the Broadcasters.

We submit that though the contours for QoS & consumer protection shall be on Regulated QoS Framework, we request the Authority to ensure enforcement of certain key existing regulations on interconnection, tariff orders and billing before enforcing the regulated QoS framework.

Q 2. Should there be a uniform regulatory framework for Quality of service and Consumer protection across all digital addressable Platforms? Please provide your comments with justification.

We submit that there should be uniform regulatory framework for Quality of service and Consumer protection across all digital addressable Platforms that will ensure the level playing field, equal base level consumer's viewing experience ensured across all platforms, user friendly regulations that will ensure the ease in the business of Service Providers and increase in consumer awareness.

Q 3. Should timelines relating to various activities to get new connect be left to the DPOs to be transparently declared to the subscribers? If so, how the interest of the subscriber can be protected if the connection is not provided in given time frame?

We submit that the present time line subject to technical feasibility i.e. two days from the date of receipt of application/request prescribed under the "Standards of Quality of Service (Digital Addressable Systems) Regulations, 2012" (QoS Regulations) would be sufficient.

Q 4. What should be the time limits for various activities, as mentioned below, to get new connection? Please provide your comments with justification.

(a) Response time for processing new service request and conveying feasibility of providing connection at the desired location

(b) Time line for completion of CAF, installation and activation of service

The answer provided in query number 3 is repeated herein.

Q 5. Should minimum essential information to be included in the CAF be mandated through regulations to maintain basic uniformity? Give your suggestions with justification.

The information prescribed in Schedule I of the present QoS regulations are exhaustive enough to capture the details. The CAF along with Tariff Enrolment form / any other enclosed document by the subscriber should contain the followings:

- I. Terms and conditions of provision of services.
- II. Details and contact details of Multi System Operator & Local Cable Operator.
- III. Details of Consumer.
- IV. Details of various Tariff plans & a-la-carte channel prices.
- V. Details & plans of CPE/STBs.
- VI. Payment terms, mode of payment, special discount schemes, security deposit, refund of security deposit, installation charges showing the refundable component, activation charges, penalty, charging of interest for delayed payment, or any other charge etc.
- VII. Basic Contact details in case of request for fault repairs.
- VIII. Obligations of the consumer to utilise the services.

The following details sought to be mentioned in the CAF as per Schedule I of the present QoS regulations may be relooked by the Authority in order to reduce the documentation and to ensure the readable format of CAF to the customer.

- *Details of Entertainment Tax, Service Tax Registration number, if applicable.*
 - We submit that this should be mentioned in the Bill generated for the customer.
- *Details of programming services offered, clearly indicating number and names of channels available, bouquets of channels, whether free to air channel or a pay channel, value added services, if any, available.*
- *Maximum retail prices of channels in a-la-carte form and also of bouquet(s) of channels, if any, along with names of the channels and bouquet(s) of channels offered.*
- *The details of all the three schemes of supply of Set Top Boxes (STBs) i.e. (1) Hire purchase, (2) Rental and (3) Outright purchase.*
 - These details should form part of either CAF or Manual of Practice.
- *Reasons and grounds on which the application is liable for rejection.*
 - We are of the opinion that mentioning these details in CAF would not add any value addition to the customer. As the service provider has to either provide the connection or communicate the reason for rejection of the application / request within the said two days will serve the purpose of the regulation.
- *Procedure for handling complaints either in the application form or separately in the form of booklet/pamphlet indicating:*
 - (i) *Possible areas/causes of complaint.*
 - (ii) *Contact details of helpdesk, Concerned officer responsible for redressal of the complaint.*
 - (iii) *Procedure to be followed in getting the complaint redressed for each or group of causes or areas of complaint.*
- *Maintenance/service policy either as a part of the application or as a separate booklet/pamphlet.*

- *Policy for rebate in case of no signals or disruption in service.*
- *Obligations of the multi-system operator to ensure quality of service as stipulated in this regulation.*
- *Technical and non-technical parameters of standard of quality of service prescribed by the Authority.*
 - These details may only be prescribed in Manual of Practice and thus avoid duplication in CAF. This will provide more space in CAF and to be made in a readable format to customer.

Q 6. Should minimum font size need to be specified for CAF? If not, how can it be ensured that important information provided in CAF is given in such a manner that consumer can read them easily?

Yes minimum font size may be prescribed by the Authority. The Authority should prescribe the clear distinction of details to be mentioned in CAF and Manual of Practice so that the duplication of details / documentation can be avoided.

In present ground the Manual of Practice is mere copy and paste of CAF terms and conditions in addition to few other details. Hence we request Authority to clearly define the contents of Manual of Practice and CAF separately.

Q 7. Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification.

Yes, the e-CAF may be encouraged. This would reduce the operational issues such as transportation and preservation of hard copies. Smoother process of activation of customer in time.

Q 8. Should the minimum essential information to be included in the MoP be mandated through regulations to maintain basic uniformity and to ensure that consumers get all relevant information about the services being subscribed?

The answer provided in query number 5 is repeated herein to the extent of details to be mentioned in MoP.

The following details sought to be mentioned in the MoP as per the present QoS regulation may be relooked by the Authority in order to reduce the documentation and to clearly distinguish the two documents such as CAF and MoP. The MoP shall be prescribed in a way that will cover the Consumer Charter required to be provided by the Service Provider in the present regulatory framework. This will not only reduce the documentation but also make the documentation user friendly from the customer perspective.

- *Terms and conditions of service offered by the service provider;*
 - This is to be mentioned only in CAF so that there will be clear distinction between both the documents.
- *The details of duties and obligations of the multi-system operator or its linked local cable operator and rights and duties of the subscriber as specified in these regulations;*
 - The purpose of MoP shall be for the information of consumer to enable him to have uninterrupted service .

Q 9. What should be the minimum information to be included in MOP Give details with justification?

The answer provided in query number 5 and 8 are repeated herein to the extent of details to be mentioned in MoP.

Q 10. Should it be necessary to provide printed copy of MOP to all the customers at the time of subscription to the service? If not, how it can be ensured that all required information is available to subscribers when required?

We feel that the printed copy need not be provided to the consumers. This would be an environmental friendly initiative. Most of the consumers does not even preserve the CAF form copy provided to them. We suggest that the said documents may be provided as option with the CPE. The details of the link from where the customer can get the document can be provided.

Q 11. Should there be an initial subscription period while providing a new connection to protect the interest of both the subscriber as well as DPOs?

This should be left to market forces instead of being regulated by the Authority. We submit that the Authority may prescribe the general guidelines as regulations governing the advance rental plans like in Telecommunications tariff orders such as:

- The time period/option provided to the customer shall be available for such prescribed period.
- In case of disconnection and impossibility of provision of service (disconnection of channels by the broadcasters) the regulations governing the refund of such amount to the consumer may be prescribed.
- Rest other terms should be left to service providers/DPOs to prescribe based on the market/ground situations.

Q 12. If so, what should be the duration of such initial subscription period?

We do not have any comments in view of the answer provided in query 11 above.

Q 13. What protections should be provided to subscribers and DPOs during initial subscription period? Give details with justification?

The answer for the query number 11 is repeated herein.

Q 14. What should be the framework for compensation to the subscriber for dropping of a channel due to its non-availability on the DPOs' platform?

The Present regulations prescribed in QoS regulations would be sufficient.

Q 15. How should the reduction in subscription charges be calculated in case of discontinuation of channel from DPOs platform? Please provide your comments along with justification.

The calculation should be based on the a-la-carte channel price published by the said DPO.

Q 16. What should the maximum permissible time of disruption beyond which subscriber must be compensated in following cases?

- (a) Disruption due to technical fault on the DPO network or at the subscriber's end**
- (b) Disruption due to technical fault of CPE at the subscriber's end**

We submit that if the services are not available for more than 3 working days on either of the two reasons mentioned above, then the subscriber should be compensated for the period when there was no signal available.

Q 17. What should be the duration of disruption in service warranting compensation to the consumer and how the compensation should be calculated in following cases?

- (a) Continued Disruption due to technical fault on the DPO network at the subscriber's end beyond the pre specified time.**
- (b) Continued Disruption due to technical fault of CPE at the subscriber's end beyond the pre specified time.**

The answer for the query number 16 is repeated herein.

Q 18. What should be the framework and terms and conditions for shifting of connection including timelines in respect of PAN India DPOs where provision of connection at new location is feasible?

We do not have any comments.

Q 19. Is there a need to prescribe procedure for transfer of the TV connection? If so, what should the procedure, terms and conditions for transfer of services connection and timelines?

We are of the view that the suggestions made in para number 3.4.9 of the consultation paper would be sufficient.

Q 20. What should be the framework to address the concerns of stakeholders (Subscribers and DPOs) relating to temporary suspension of service?

We submit that the DPO should be permitted to levy reasonable deactivation and reactivation charges in order to prevent the non-genuine requests from the customer. The Authority may prescribe the upper limit with regard to deactivation and reactivation charges to be levied by the DPO.

Q 21. How issue of abrupt closure of service due to non-payment can be addressed while protecting the interest of subscribers and DPOs?

The DPOs may be allowed to do dunning / reduction of subscribed plan to the customers those who have not paid the subscription charges within the due date prescribed by the DPO. This would mean that for those customers only 24 mandatory channels of Doordarshan will

be transmitted and no other pay or FTA channels will be transmitted. This will help DPO to control its expenses/cost to the major pay channels. As per the DPOs policy after such temporary disconnection, the DPO should be allowed to permanently disconnect those consumers for non-payment.

Q 22. Is gradual closure of service as discussed in para 8.23 is a feasible option? If so what should be procedure and the framework?

The answer for the query number 21 is repeated herein.

Q 23. What should the procedure and timeframe to inform the subscriber regarding closure of service due to closure of business?

21 days advance written notice to the subscriber along with paper publication shall serve the purpose of regulation with regard to intimation on closure of service due to closure of business by DPO.

Q 24. Why uptake of mandated schemes for set top box (Outright purchase, Hier purchase, and on rent) is so low at present? How consumer awareness on these issues can be increased?

The Present Set Top boxes are custom made and does not have any value to the customer without the signal of DPO affiliated. Hence the consumers are reluctant to invest in the STBs upfront on either of the scheme.

The STB interoperability should be the only way forward for the STBs schemes being taken by the customers.

Q 25. What should be the consumer friendly common framework of CPE Schemes for providing CPE to consumers in digital addressable system? Please provide your comments with justification?

The Present regulations prescribed in QoS regulations would be sufficient.

Q 26. What should be minimum essential information related to a CPE scheme that must be made available to the consumers to safeguard their interests? Please provide your comments with justification.

The Present regulations prescribed in QoS regulations would be sufficient.

Q 27. What measures may be adopted to ensure availability of good quality CPE to consumers?

The Present regulations prescribed in QoS regulations such as BIS certification would be sufficient. With the advancement in technology BIS should be requested to upgrade the specifications and also ensure that only BIS compliant boxes are used by DPOs

Q 28. Should any charges such as visit charges, etc. be charged from the subscribers during guarantee-warranty period?

Yes. This would enable the DPOs/Service Providers to control their cost and also prevent the unwarranted calls from the subscribers.

Q 29. What should be provisions for maintenance of CPE after the expiry of guarantee-warranty period?

DPO can be asked to offer a maintenance scheme. However the cost for the same should be borne by the customer.

Q 30. What should be the simplified provisions for surrender of CPE in case of closure of service by the subscribers in order to protect their interest?

The Present regulations prescribed will cater the need in the uniform regulatory framework as well.

Q 31. Please suggest the standards and essential technical parameters for ensuring good quality of service for the following digital addressable platforms:

- e). Digital Cable TV
- f). DTH
- g). HITS
- h). IPTV

The current technical specification mentioned in Annexure I of the consultation paper (i.e. prescribed in the present QoS regulations are generally sufficient to cover the same from our perspective.

We submit to the Authority the following additional points may be considered to avoid the major concerns raised in the Consultation Paper.

I. Sometimes individual audio levels across different subscribed channels are found to be significantly varying in intensity. This makes it inconvenient for a consumer switching channels as the volume needs to be readjusted every time the channels is changed.

- The Audio source coding should be as specified in ETSI TS 101 154 and ETSI TS 102 005 for IP.
- The audio quality is dependent on the bitrate and audio mode chosen by the broadcaster, and may range from commentary-quality mono to full-quality 5- channel surround sound.
- The advanced audio coding uses either MPEG-4 AAC, HE AAC or HE AAC v2 audio, as specified in ISO/IEC 14496-3 [3], or else MPEG-4 AAC, HE AAC or HE AAC v2 as specified in ISO/IEC 14496-3 [3] in combination with MPEG Surround as specified in ISO/IEC 23003-1 [20].
- The broadcasters generally provide the decoders for their channels to MSO. It should be possible for MSO to reassign the configuration of services dynamically as required to meet their instantaneous needs. The MSO's generally pass through the Video/Audio source coding as it is.
- Audio source coding should conforms to either Layer I or Layer II of ISO/IEC 13818-3 (MPEG-2 audio), with the use of Layer II being recommended. In the case of Layer II coding, the bitrate may take one of 14 values in a range from 32 to 384 kbit/s. The

audio level set by each broadcaster channel is different. Due to this when the MSO pass through the audio pids, there is variation in the audio decibel.

- The audio standard has to be able to specify a consistent, "base line" db audio level spec and install a limiter device to enforce it.
- A simulcast of a mono/parametric stereo/stereo signal together with the multi-channel signal should not be optional if the broadcaster is unable to provide the P-IRD's.
- Each P-IRD shall be capable of decoding either audio bitstreams conforming to MPEG-4 HE AAC v2 as specified in ISO/IEC 14496-3 [3], or else audio bitstreams conforming to MPEG-4 HE AAC v2 in combination with MPEG. Surround as specified in ISO/IEC 23003-1 [20], or else audio bitstreams conforming to Extended AMR-WB (AMR WB+) as specified in TS 126 290 [8], or else audio bitstreams conforming to AC-3 or Enhanced AC-3 as specified in TS 102 366 [13], or any combination of the five.

II. It has been observed at times that the DPOs resort to using extremely high compression parameters for particular channels, resulting in poor reception quality and frequent freezing of the audio and video in that particular channel.

- The video quality is dependent on the bitrate and resolution chosen by the broadcaster. All broadcasters must ensure that the source encoding is in accordance to be as specified in ETSI TS 101 154.
- The broadcasters generally provide the decoders for their channels to MSO. It should be possible for MSO to reassign the configuration of services dynamically as required to meet their instantaneous needs. The MSO's generally pass through the Video/Audio source coding as it is.
- The broadcasters do not provide P-IRDS which should be able to select the required audio language pid from within this capacity. The broadcasters provide multiple language audio pids in few services but since the decoder can be used to take only composite output, the MSO has to encode and transmit same service multiple times in the bouquet with each audio separately.
- Every broadcaster must maintain technical standards of the signals as per the standards laid down by Digital Video Broadcasting forum. It is observed that each individual MSO uses different compression techniques. It should be mandated that all MSO's must transmit the services at minimum standard encoding bit rate (e.g. Min 3Mbps). The Bit Error Rate (BER) is the primary parameter which describes the quality of the digital transmission link. The BER is defined as the ratio between erroneous bits and the total number of transmitted bits.
- Signal Quality Margin Test - A fast and simple pass/fail measurement that can provide an indication of the quality of the digital service at various nodes in the cable distribution network. This measurement will provide a first indication of the margin to failure of the digital service. It can be used as a signal quality check during installation, and as a maintenance tool for basic monitoring of signal quality through the network. (MER and Signal Strength). The signal quality is measured by using a field strength meter, this usually provides the Power, BER and MER.
- MER as an index to check the quality of amplifiers and especially converters, based on the deterioration introduced between input and output of the various elements of the

systems but sometimes the best MER does not correspond to the good BER, or that this does not improve even if the MER has very high values

- When these values are within the suggested parameters, the above said problems will not occur.
- This recommendation is relevant to equipment that implements the channel encoding schemes defined in ETS 300 429 [6] (cable), ETS 300 421 [5] (satellite) and ETSI TS 102 005 [1.4.1] (IP).

Q 32. What are the different methods to effectively increase consumer awareness?

The suggestion provided in the consultation paper in para number 3.5.1 such as “Consumer Corner” link in DPO website and also “In Channel” and “Broadcast Email” suggestions would be effective.

Q 33. How consumer related information can be effectively provided to Subscribers through DPO website. What minimum information should be provided through consumer corner?

The answer for the query number 32 is repeated herein.

Q 34. Can outsourcing to the third party for various web based operations be permitted especially for smaller DPOs? If yes, what precautions are taken to ensure that such provisions are not misused?

The DPO can have inhouse manpower for web based operations or can use the services of a third party. However in both the cases the responsibility and ownership would rest with the DPO only

Q 35. In case of the use of “In Channel” communication means, what should the guidelines for running scrolls or other onscreen displays, so that it does not impact the viewing experience?

In Channel communication should be allowed only in Home Channel of DPO and not in any other Broadcaster channels.

Q 36. What options can be used for verifiability of subscriber communications for any change in service or provision of additional service?

The Value added service shall be activated only based on request placed through the registered mobile number or registered email id. A message may be sent to customer through Broadcast E mail, home channel and short messaging service in customer’s registered mobile number by the DPO confirming the activation with an option to repudiate the activation if required.

Q 37. What should be the duration to preserve such verifiable subscriber communications requesting change in service or provision of additional services at DPO level?

Till the payment made by the subscriber for the next billing cycle. In case the customer pays the charges for continuous three billing cycle then there should not be any option for consumer to refute such request for the activation of value added services. The Customer may be allowed to raise a service request for deactivation of such value added services.

Q 38. What should be optimal number of channel packages which meets the subscriber demand and are well understood by the subscribers?

The cap on maximum number of channel packages offered by DPO at a given time shall be regulated by the Authority like Telecommunication Tariff orders.

Eg : "At any given point of time, not more than twenty five channel package plans shall be on offer by a service provider"

Q 39. How the package offerings can be improved in case of cable TV services so that effective choice is made available to the consumers?

The answer for the query number 38 is repeated herein.

Q 40. Whether the choice of Pre or Post-paid method should be mandatorily made available to the subscribers?

We are of the opinion that this should be left to market forces and business plan/ model of the DPOs.

Q 41. What should be the essential information contained in the monthly Bill/ Usage details to be provided to subscribers in post-paid or pre-paid system?

The Present regulations prescribed in QoS regulations would be sufficient.

Q 42. Should pre-paid method is encouraged in case of cable TV services provided though LCOs? Support your comments with justification.

No comments in view of the answer provided in query number 40 above.

Q 43. What should be the billing cycle both for pre-paid and post-paid? Please give your comments along with justification.

We are of the opinion that this should be left to market forces and business plan/ model of the DPOs.

Q 44. Should deduction of maintenance related charges for CPE from the pre-paid subscription account be prohibited?

No comments in view of the answer provided in query number 40 and 43 above.

Q 45. How Toll Free number and call centre details can be widely publicised among the subscriber?

The Present regulations prescribed in QoS regulations would be sufficient.

Q 46. How response time and accessibility of call centre including that of the Call centre executive can be enhanced?

The Present regulations prescribed in QoS regulations would be sufficient.

Q 47. Please provide your comments on the following performance parameters discussed in preceding paras related to call centre?

- a. Call centre availability hours**
- b. Multiple languages in IVR**
- c. Response time for answering IVR and voice to voice calls**
- d. Sub menu and accessibility of customer care executive**

The Present regulations prescribed in QoS regulations would be sufficient.

Q 48. What should be the timelines for complaint resolution for different type of complaints at call centre and Nodal officer level?

The Present regulations prescribed in QoS regulations would be sufficient.

Q 49. Can outsourcing of call centre and web based complaint monitoring functions to third party help in increasing efficiency and compliance levels?

We are of the opinion that this should be left to market forces and business plan/model of the DPOs.

Q 50. What should be the innovative ways to develop a speedy user friendly complaint registering and redressal framework using Mobile Apps, SMS, Online system etc.

We are of the opinion that this should be left to market forces and business plan/model of the DPOs.

Q 51. What should be framework for implementation of electronic PMR?

The Authority can create a portal and the service providers can upload the PMRs. If possible we should not have any manual reports at all.

Q 52. What should be framework for auditing of the records for QoS regulatory compliance by DPOs? Please suggest appropriate measures along with justifications.

The basic principle should be based on self-certification. The service providers should be asked to self-certify the records. Random audit should be done by the Authority or based on complaints. The punishment for wrong certification should be severe including financial dis-incentive

Q 53. What should be framework for carrying out survey for QoS compliance and subscriber satisfaction?

The approach followed in case telecom networks can be followed.

Q 54. What should be the framework and quantum for financial disincentives for non compliance to the prescribed QoS benchmarks? Please suggest appropriate measures along with justifications.

While the QoS regulations of established sectors like Basic Telephone Service (Wireline) and Cellular Mobile Telephone service are on parameter /lump sum basis, the financial disincentive on an evolving sector like Cable TV services is being levied on the basis of subscriber base. Further the proposed financial disincentive cannot be viewed as revenue for Authority or for the Government but the same should serve the purpose of ensuring QoS being maintained by the service providers. So we are of the opinion that the financial disincentive should be a lump sum amount as provided in other telecommunication service provider regulations. However unlike telecom where there is only one entity, here there are three entities – broadcaster, DPO and LCO.

As aforementioned the present scheme of levying of financial disincentives cannot be acceptable as per principles of equal treatment before law and we propose the following:

1. If there is an existing agreement, then the financial disincentive should be levied on either one stakeholder (MSO or LCO) based on the agreement terms and conditions. Only where LCO and MSO have not signed an agreement, then MSO can be partly held accountable for the failure of service and financial disincentive may be levied.
2. We also propose that if the Authority decided to proceed with the same disincentive proposition then based on the existing link agreements signed between the MSO and LCOs and the contractual obligations between them, the MSO should be allowed to recover the charges paid by it for the failure of LCOs.

Q 55. Should all channels carried on the platform of a DPO must be included and shown in the EPG? Justify your comments.

Yes. This will enable the subscriber to choose for a-la-carte channel when required by him.

Q 56. Stakeholders may also provide their comments on any other issue relevant to the present consultation.

The Authority to look into the definition and ownership of billing, delivery of bills and issuance of receipt to the customers.

We propose that either the name of the multi-system-operator or the name of Local Cable Operator to be mentioned in the place of details of service tax registration and entertainment tax registration numbers to be mentioned in bills/invoice to be raised on subscriber based on their business model/agreement terms and condition. The MSO cannot be made liable to pay all the taxes on behalf of LCOs where the actual ground collection is lesser than the revenue share prescribed by the Authority. Suitable Amendments/provisions to be made in this regard in the said QoS regulations.

The onus on providing bills and receipts to customers should be squarely placed on one of the entity (either the MSO or the LCO) along with the right to collection of revenues from the end subscribers. We submit the reasons as follows:

I. Contractual obligation and Ground Situation:

The ground scenario in most of our operational area is such that LCOs have the last mile connectivity with the subscribers and they actively discourage the MSO from having any kind of communication directly with their subscriber base. The collection at the ground level is completely under the control of LCOs and only a very meagre part of that said collection is deposited with the MSOs. Thus the Ownership of the subscribers fully vests with the LCOs.

Even after signing the Link agreements with all our LCOs, (i) the delivery of billing information and the collection of proper information about subscriber-wise collection of revenues by our LCO is not taking place. LCOs have taken contractually assumed complete responsibility for delivery of bills and collection of subscription amount. Further we would like to bring to the notice of the Authority that even if MSO try to take control of the network, collection from LCO as per the Link Agreement entered with LCO, there are threatens to the MSO's personnel those who are approaching the network. Hence, an MSO is not in position to take liability for the failure on the part of LCO such as 1. Delivery of Bill, 2. Issuance of Receipt to the subscriber and 3. Entries in SMS on receipts. These are cascading effects of LCO does not deposit the MSO's revenue share as per TRAI regulation and share the collection information with MSO. Without addressing the said issue, passing any regulation will not serve the purpose of DAS as envisaged by the Authority or by Government of India. The said issue is not only a commercial issue between MSO and LCO but an operational road block in implementation of DAS in true spirit. Hence we request Authority to pass appropriate regulation/law making LCO to obey the law, deposit MSO's share of the revenue and share the proper subscriber information. Appropriate regulations should also be passed with regard to MSOs getting proper updates on the collection of subscriber revenues by LCOs.

II. Equal Treatment of Law:

In the present Standard of Quality of Service (Digital Addressable Cable TV Systems) Regulations 2012, the Authority has made both the stakeholders i.e. MSO and LCO equally responsible for implementing all the provisions of regulations except generation of bills/invoices which is the responsibility of MSO. We submit that the present regulations to levy financial disincentive on the MSO, for non-delivery of bills and non-issuance of receipts, is not as per the Principles of Natural Justice. The responsibilities thrust on MSO without corroborating steps from different statutory bodies and departments to enforce compliance of law by LCOs is putting unfair burden on MSOs.

III. Cable Operator/Local Cable Operator is a separate stakeholder:

The LCO has been recognised as a separate stakeholder in the eyes of law and not an agent of MSO. Hence MSO cannot be held liable for the acts, omission and deeds of Local Cable Operators.

IV. Reasonable Financial Disincentive – on lump sump basis:

While the QoS regulations of established sectors like Basic Telephone Service (Wireline) and Cellular Mobile Telephone service are on parameter /lump sum basis, the financial disincentive on an evolving sector like Cable TV services is being levied on the basis of subscriber base. Further the proposed financial disincentive cannot be viewed as revenue for Authority or for the Government but the same should serve the purpose of ensuring QoS being maintained by the service providers. So we are of the view that the financial disincentive should be a lump sum amount as provided in other telecommunication service provider regulations.

As aforementioned the present levying of financial disincentives cannot be acceptable as per principles of equal treatment before law and we propose the followings:

- 1) If there is an existing agreement, then the financial disincentive should be levied on either one stakeholder (MSO or LCO) based on the agreement terms and conditions. Only where LCO and MSO have not signed an agreement, then MSO can be partly held accountable for the failure of service and financial disincentive may be levied.
- 2) We also propose that if the Authority decided to proceed with the same disincentive proposition then based on the existing link agreements signed between the MSO and LCOs and the contractual obligations between them, the MSO should be allowed to recover the charges paid by it for the failure of LCOs.

The Authority has the mandate to regulate the QoS in both telecom and broadcasting networks. While there is only one entity in the local telecom network there are three distinct entities in the broadcasting network – broadcaster, DPO and LCO.

In light of the above reasons, we humbly request Authority to pass a more appropriate regulation to ensure that all the stakeholders i.e. MSO and LCO implement their part of QoS regulations in true spirit for the effective implementation of DAS. We request Authority to consider our views and take them into consideration at the time of passing the regulation.
