

COMMENTS ONCONSULTATION PAPER No 7/2020- “Regulatory Framework for Platform Services” and “Platform Services offered by DTH Operators”

By

Lt Col VC Khare (Veteran) , Cable TV industry Observer

1. CP pertains to reference by MIB on “**Issues related to local ground-based channels of cable TV operators**”. As pointed out earlier, TRAI continues to use wrong English technical connotation in that (a) Channel refers to a strip defined by lower and upper frequency, with a bandwidth used as carrier in electronic communication; whereas TRAI, MIB, and general public, use this word ‘**Channel**’ for program (content) being watched, (b) Cable Operator, as it stands today, refers to an individual registered with Deptt of Posts to distribute DAS signal Stream from a Headend Service Provider (HSP)/MSO, (registered with MIB to establish a DAS headend to encode, encrypt, multiplex, modulate, combine and manage subscriber viewing authorization in the stream syntax) in electronic format over wireline distribution network erected in a particular area to be defined in an agreement with HSP/MSO(c)Cable operator is supposed to be operating in passive transmission mode and hence cannot insert any local/ground based program content into the stream received from HSP. **Use of wrong connotation can lead to wrong interpretation/ decisions.**

2.Cable Operator is an entity only in CATV and HITS DPOs, combined with HSP/MSO. They do not perform any content turnaround function in letter and spirit of Cable Act. The matter can be better understood if aggregation of content distribution is considered confined to activities envisaged in an MIB registered Headend whether of CATV, HITS, DTH or IPTV.

3.There is need, now, to clarify, in all rules, regulations and guide lines, that Programming Services refer to non-broadcast content, often described as LOCAL CONTENT, aggregated in headend operated by a particular HSP (Earth Station in DTH and HITS and Central Office of a TELCO) and often NOT encrypted. Hence it would be better to christen such content as NON BROADCAST CONTENT to be so described in the EPG. Regarding PS for DTH, TRAI’s definition “*Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and do not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India.*” is considered adequate.

4.In existing practices, there is no distinction between an HSP operating in a big or a small place or the financial strength status of such an entity. Hence stipulation of their registration, as a company, to expect some level in management, is justified and cannot be diluted. In any case, registration of DAS headends rests with MIB. In case they wish to repeal the requirement of registration of HSP as a COMPNAY, they may themselves do so. For audits what will matter, for authentication, is whether the HSP holds a valid MIB registration or NOT?

5.Number of RF channels(7 or 8 MHz wide, in 47-862 MHz spectrum, remains fixed at 106. No of programs compressed into each RF channel, in digitized

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mode, can vary from 10 to 24 depending upon quality of hardware and design. Therefore, number of programs to be listed in the EPG are a matter of activity in preparation of PAT(Program Allocation Table) and PMT(Program Mapping Table) in DVB practices. Hence there is no need to bind, by rules of regulations, the number of NON BROADCAST CONTENT programs to be aggregated into the stream. This would gain more relevance in on line schooling programs compelled by pandemic situation like COVID. Hence there is no need to restrict number NON BROADCAST CONTENT programs.

6.In audit of Headends, one requirement is verification that all broadcast content being netcasted from the headend conforms to such lists approved by the MIB. For PROGRAM SERVICES, suggested to be christened as NON BROADCAST CONTENT in the EPG, be intimated to MIB and got registered for that particular HSP/MSO.

7. Recommendations, re-constructed as under, might serve the purpose :-

(a) The platform services channels should be categorized under the genre NON-BROADCAST in the Electronic Programmable Guide (EPG) subject to orders/directions/regulations issued by TRAI from time-to-time, digitized and encrypted.

(b) The respective maximum retail price (MRP) of the platform service, if NOT FREE to VIEWER, shall be displayed in the EPG against each platform service, re-christened NON-BROADCAST PROGRAMS, subject to orders/directions/regulations issued by TRAI from time-to-time.

(c) A provision for putting a caption as ‘ NON-BROADCAST PROGRAMS’ may be required to distinguish the platform services from the BROADCAST programs registered with the MIB. Government may decide the caption in a size which is visually readable by the consumers.

8. It may also be remembered that MIB has yet to enact Indian Broadcasting Act. They have Cable TV Networks Regulation Act 1995 with amendments 2003 and 2011 wherein program is defined in the glossary. The activity covered by this act, and governed by MIB, meets dictionary definition of BROADCAST over wireline medium but has NOT been accorded the status of BROADCAST by the MIB. DTH does not meet the spirit if Cable Act 1995 and is enshrined in guidelines. IPTV, strictly speaking, falls in TELCO domain and may not be conforming to mandatory requirement of encryption or subscriber viewing authorization as per DVD norms. .

