

COMMENTS ON DRAFT TELECOMMUNICATION
(BROADCASTING AND CABLE SERVICES) INTERCONNECTION
(DIGITAL ADDRESSABLE CABLE TV SYSTEM)
(SIXTH AMENDMENT) REGULATIONS 2015

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1. FIRST we must correct technical connotations. In analog wireline broadcasts (popularly understood as Cable TV), one program occupied a 7 or 8 MHz channel in the 47-862 MHz band and got synonymous with CHANNEL. In mandated DAS, several programs are compressed into one channel and hence broadcaster's channels, cable channels and programs connote different meanings. Broadly speaking all TV content should, therefore be referred to as 'programs' in multi channel multi program wireline broadcasts.
2. Coming to envisaged inconvenience to SUBSCRIBER, not consumer (since this term does NOT appear in the Cable TV Networks Regulation Act), by remote denial/disabling of IRDs to HSP i.e. Headend Service Providers (a more meaningful term for MSOs since most of them do not provide multi services) note needs to be taken of ground situation.
3. DAS cannot be deemed to be implemented (even in phases I and II) till (a) Subscriber Ids are created (b) Rate Card is prepared by HSP showing 'a-la-carte' and bouquet rates for subscriber to select order from in the application form (B2C agreement between HSP and Subscriber), (c) Set Top Box (STB), carded or cardless, is paired with Subscriber ID and Cable Operator ID for SMS compatibility to generate itemized bills (d) Interconnect Offer (B2B) is signed between HSP and Cable Operator duly assigned an ID, (e) Itemized bills clearly showing (i) Basic Tier charge (ii) FTA over and above basic tier (iii) PAY TV 'a-la-carte' charge (iv) PAY TV bouquet charge (v) STB provisioning charges, if any, (vi) Other charges, if any (vii) Service Tax and (viii) Entertainment Tax are shown clearly. Further 18x365 Customer care is established and working duly verified. It is understood that these activities are NOT in existence.
4. DAS subscriber does NOT know Broadcaster or HSP. They only know the CABLE WALLA i.e. the Cable Operator's Technician. Neither the HSP nor the Cable Operator have imparted training to the Cable Walla about subscriber interface implied in DAS regulation. Manual of practice too has NOT been issued to every subscriber.
5. Hence onus for informing the subscriber about possible disconnection of a TV program by Broadcasters to HSP and, in turn, its non-availability to Subscriber, should rest with Broadcaster and HSP through messaging, press notifications, scrolls, SMS or telephone calls.
6. Any regulation, to be effective, needs enforcement and mechanism for penalties on defaults. At present, there is a clear void in this aspect.
7. Draft amendments, as proposed, may, at least, be re-constructed as under

(b) for sub-regulation (16), the following sub-regulation shall be substituted, namely:-
“(16) to ensure that inconvenience is not caused to the **subscribers** by sudden

disconnections of **programs** due to failure of the service providers to enter into new interconnection agreements, it shall be mandatory for the service providers to enter into new agreements twenty one days prior to the date of expiry of the existing agreement:

Provided that the broadcaster or multi system operator, as the case may be shall, sixty days prior to the date of expiry of the existing interconnection agreement, give notice to the multi system operator or the linked local cable operator, as the case may be, to enter into the new agreement:

Provided further that in case the service providers fail to enter into new interconnection agreement the multi system operator or the linked local cable operator, as the case may be, shall, fifteen days prior to the date of expiry of the agreement inform the **subscriber** the possibility disconnection of **programs** of the broadcaster.

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