

TATA SKY'S RESPONSE TO THE DRAFT STANDARDS OF QUALITY OF SERVICE AND CONSUMER PROTECTION (DIGITAL ADDRESSABLE SYSTEMS) REGULATIONS, 2016 DATED 10TH OCTOBER, 2016

TRAI has conducted the initial round of consultations on Tariff Order, Quality of Service (QoS) and Interconnection Regulations for the Broadcasting and Cable Services (B&CS) sector in which all aspects of the sector have been thrown open to change through more than 170 questions. This itself is a matter of great concern, because, there is clearly no market failure visible in the sector which calls for such a drastic over-haul.

The basic premise that the TRAI has used for justifying such a massive change is to usher in a common regulatory framework for all DPOs. However, from the currently published draft consultation, it is increasingly evident that DTH Operators have been severely restricted in the guise of bringing in a common framework. At the outset, since the Licensing conditions and regulatory levies are completely different across the different DPO platform, to align them all in a common framework actually leads to a non-level playing field.

**DRAFT REGULATIONS TREATS UNEQUAL AS EQUAL
TECHNOLOGICAL DIFFERENCES**

A DTH operator is required to incur huge costs for maintaining and operating its DTH platform. As compared to MSOs and LCOs, the DTH operators incur much higher costs in terms of maintaining its uplink center, servicing the Consumer Premise Equipment (CPE), as also for the proprietary machinery and ever evolving technology.

As per the Draft Tariff Order, for an LCO whose operations as compared to DTH are miniscule, the price prescribed as its distribution cost would still result in huge revenue because of its low input costs. However, for a DTH operator, due to higher input costs, it will only result in losses. This would destroy a DTH operator's business.

The Authority is aware that transponder's space on a satellite, apart from being extremely expensive, is also very limited. There are further technological constraints for a DTH operator like time period involved for grant of additional transponder capacity and limitations on account of satellite positioning. This technological requirement is not there in LCO/ MSO/ IP TV.

FINANCIAL DIFFERENCES

The license conditions for a DTH operator from the MIB are far more stringent as compared to an LCO or an MSO. Tata Sky being a DTH operator is required to pay 10% of its "Gross Revenue" as license fee irrespective of the nature of the revenue received by it. It additionally has paid 10 crores as entry fee and provided a bank guarantee of 40 crores.

As compared to an LCO/MSO, the DTH operator has a PAN India presence. They have a huge employee base and provides service to its millions of consumers through expensive business operations which includes call center, ISP, Distributors etc. One of the largest MSOs has only a coverage of approximately 120 cities whereas a DTH operator technologically has a reach in every millimeter of the entire country.

The initial capital expenditure of any DTH Operator like Tata Sky is exponentially higher than the capital expenditure incurred by LCO/MSO. The cost of setting up a broadcast center for a DTH operator is far in excess of the entire capital cost incurred by an LCO/MSO.

A DTH business is a capital intensive business. The establishment cost of such a business is to be monetized over a given period of time. Tata Sky after taking into account costs incurred by it on a year to year basis has priced its services to the consumer in a particular manner. Such radical change in the pricing would not only result in huge losses to Tata Sky but would be a regressive step because the technology march /innovation would immediately come to a halt.

SERVICE PROVISION DIFFERENCES

A DTH service being a satellite service directly available to the consumer has its inherent advantages of being uniform, continuous, uninterrupted with high technological data. Consequently, DTH services reaches remote and non-accessible areas, like Kashmir and the North East etc. This service coverage is unmatched as compared to LCOs/MSOs.

While in LCO/MSO a two way communication is possible between the consumer and the operator, no such two way communication is possible between a DTH operator and its consumers. Therefore, the LCO/MSO can upgrade their existing infrastructure to provide ISP services as well. This at present is not possible for the DTH operator.

LCO / MSO / IP TV / HITS are not equal to services provided by DTH operators either in respect of technology or financial obligations. Thus, treating un-equals as equals under the draft regulations order would not be in consonance with the statutory obligation of TRAI to provide a level playing field.

After having conducted a round of consultation (during the first half of 2016), since the approach taken by the Authority is of a complete overhaul, it was only natural for the Authority to announce another round of consultations (through draft regulations). Being a consultation process, there cannot and should not be any predetermined assumptions and the proposal is up for questioning, modification and even a complete rejection. However, we are disappointed to note that the Authority has indicated its position of being amenable to discuss on less contentious issues in the proposed framework but not open to any scope of change on all the significant and basic fundamentals.

With the presence of 6 Private DTH operators, 1 DD Free Dish DTH Operator, 2 HITS Operators and 800 MSOs (servicing more than 50,000 LCOs) in the country the distribution leg of the B&CS sector is thriving and cannot be said to be lacking in competition. Each customer in the country has an option to choose from at least 1 LCO (if not more) and 7 DTH operators. While it could be argued that there is a need for increased discipline amongst the LCOs (primarily due to the fact that lesser controls can be administered for non-National entities), on the other hand, the DTH operators performance has been exemplary and have furthered the cause of the national objective of digitization and addressable system.

The government has already created a parallel free TV model (DD Free Dish), which is successful, and ensures that highly price sensitive consumers are served. Therefore, such a straitjacketed

regulatory framework would take control and innovation out of the hands of industry players and consumer choice will suffer.

The policy of forbearance along with the existing set of regulations have worked well for the DTH operators. Any further regulation is not required and will lead to distortion in the market place and restrict operators from providing a rich and varied service offering and defeating the market driven principle.

It is an open fact that the balance sheets of all the DTH operators, even after so many years of operations continue to be under severe stress. Completely over-turning the rules of the game at this stage is unexpected from the sector regulator (despite no market failure) and lead us to an uncertain future. And uncertainty is the worst environment that any business can be subjected to.

The draft regulations have not shared any international case study where a similar framework is in place. The proposed framework has the potential to completely turn around the DTH business topsy-turvy and to push it into uncharted and uncertain territory.

The TRAI Act requires the Regulator to protect the interests of service providers and consumers and to promote and ensure orderly growth of the sector. However, we do not observe a balanced approach in the proposed framework and is completely skewed against DTH operators.

We therefore do not agree with the framework proposed in the draft regulations and we request the Authority to withdraw the same.

We stand by our response to the earlier consultation paper on Quality of Services in Digital Addressable Systems and Consumer Protection dated 18th May, 2016 (“QoS CP”). To maintain brevity in our current response, we are not repeating the points made by us earlier and instead we are attaching a copy of the same.

The point-wise detailed response are provided below:

TATA SKY RESPONSES:

ACTIVATION, INSTALLATION AND OTHER FEES

- In the retail space, with sufficient competition, it is globally accepted norm to maintain a policy of forbearance because it allows market forces to kick in and bring in equilibrium which is a self-balancing mechanism and it protects the interests of both subscribers and service providers. The key principle being sufficient competition which currently exists. Further, the principle of balance of interests of all stakeholders are enshrined in the TRAI Act.
- In striving toward providing the best options to its consumers, Tata Sky offers consumers attractive and favourable schemes to acquire customers.
- Therefore, we are of the belief that there should be no capping on installation and activation fees. The operators should instead be allowed to form their own charges basis their business strategy.

Due to competition, the market itself has self-correcting mechanism and any operator whose charges are not competitive will get impacted in their subscriber acquisition. We therefor request the Authority to withdraw this regulation.

- The above rational equally applies to the proposed shifting and re-installation fees.

SUBSTITUTION OF CHANNELS AND COMPENSATION

- It is a rare circumstance where DPO has chosen to remove a channel on its own. In almost all situations, channel dropping occurs from the broadcasters' end. We believe that there is a need to differentiate between the two scenarios, and in the event a channel is being dropped by a distributor, the existing regulation is stringent enough and sufficiently addresses the concern, while the proposed regulation is even more stringent and unreasonable.
- In the event of a channel ceasing to be available on a platform, it is impossible to arrive at a realistic and meaningful price reduction, and is impractical to compensate a consumer for dropping a single channel, as there are other channels that the consumers still have the option to continue receiving within the bouquet.
- In the existing regulation, replacement of genre base channels is permitted. In addition, we had in our response to the previous QoS CP suggested that if the Authority considered giving compensation, it should do so only if more than 10% of channels being offered in a particular bouquet were dropped from the bouquet offered, as it may only then have an impact on a consumer's viewing experience. This is because, there are channels that are being added to platforms and bouquets without the consumer having to pay additional cost for these during the term of the subscription.
- We are now surprise to note that our suggestion has not been considered but the replacement option has also been removed
- Over and above the restriction placed on replacing channels, the Authority has suggested in the proposed regulation that "any change of composition of the bouquet offered by a distributor of TV channels, when channel(s) forming part of such bouquet are available on its platform, shall be construed as a new bouquet". This is unreasonable and problematic as it will create issues with regard to pricing, IT configuration, new channel names, and another fresh start for 6 months price protection.
- In addition it will restrict a DPO from providing uninterrupted and speedy service to its customers and thereby increase customer dissatisfaction and complaints.
- In this regard, we request the Authority to let the existing regulation continue as is with the addition of compensation to be provided for 10% of channels being dropped as suggested by us.

CAP ON SERVICE VISIT

- It is an established fact that any field visit to customer premises has a cost attached to it. Additionally, to serve the length and breadth of our country, the servicing by any national operator cannot be done in-house and has to be outsourced to external service agencies and service engineers. Therefore, due to a payout to these external agencies/engineers there is limited scope of reducing costs of service visits. This will also directly impact the costs incurred during shifting and re-location, and thus there should also be no cap on charges for the same.
- There is no cap for a service visit for any equivalent products, such as television a medium through which the customer would receive the signals from the DPO. Therefore, capping it for the DTH sector is unreasonable and this would also impact the quality of services that can be provided to the customers.
- We support all transparency measures wherein all DPOs publish service visit charges upfront and also during the acquisition stage so that subscribers while making the choice of operator may also consider the service visit charge aspect apart from the other costs.
- We do not agree to the placement of any cap on service visit charges, and request you to withdraw the same.

CHARGES ON COMPLAINTS RELATED TO SET TOP BOX (STB)

- We are now concentrating on DAS IV areas, which are rural, far flung and remote locations, and these areas need to be served well. More importantly, DPOs need to have the complete flexibility to be able to provide quality services. We have complied with the digitization process from day one.
- The impact of imposition of restriction on service visit charges would be increase in the tariffs for the entire subscriber base, instead of the charges that would have to be paid by the specific subscriber availing service visit facility.
- We therefore request the Authority to withdraw the regulation on prohibition of service visit charges on STB related issues.

SET TOP BOX (STB)

- The Authority has sought to provide a QoS regulation touching upon STBs. The STBs are hardware equipment which has proprietary technology like the specific electronic programme guide, decryption mechanism, Dolby audio conversion of basic television signals from the broadcaster into an interlaced and a high definition content receiver in a format within a television e.g. 4K. All these features are hardware features built into the STB specific to the requirements of the consumer and providing availability of technology different from other operators. Without these additional features, the STB would merely decrypt the encrypted signals coming from the satellite.

Therefore, any further technology put by a distributor to enhance consumer experience cannot be regulated. Thus, STB, like the mobile phones and internet dongle, cannot be placed under the jurisdiction telecom service under the Telegraph Act..

- In light of the above, the power to regulate any terms and conditions including warranty of STB may need to be reconsidered.

WARRANTY

- Notwithstanding the previous paras, as you are aware STBs are procured from various manufactures from outside and not manufactured in-house, we wish to make the following points:
- Although, we order and procure the best from the market, it may be mentioned that DPOs, at best, can only pass on the warranty conditions that is provided to it by the manufacturer.
- We have been providing our subscribers one year service period on the STBs as done in similarly placed products, such as television. Therefore, any stringent regulations with regard to this will only lead to raising of subscriber acquisition cost which is counter-productive especially in DAS IV areas as the only option left with the DPOs would be to offer the outright purchase scheme, which will in-turn raise the cost for subscriber to come into Digitization fold and TV viewing fold.
- There are no sectors today that provides for five years warranty period for a product in the market, be it the electronic products like television or music system. The most that is given for products, even STBs which is a durable product, is one year.
- Therefore, we request the Authority to leave the warranty provision under self-regulated mechanism or at most provide for one year warranty as a floor.

ADJUSTMENT OF CHARGES FROM SUBSCRIPTION ACCOUNT

- We are surprised that the Authority is mandating such a provision. The current system that is being followed by DPOs, i.e. deducting from subscriber's account, is for the consumer's benefit and to provide hassle free service. The proposed regulation on the other hand is anti-consumer.
- As previously explained, the entire system of servicing consumers is based on outsourced service agencies/engineers. Despite our best efforts in controlling the human behavior of these agencies and their employees, we keep receiving several complaints from customers regarding monetary frauds, incorrect charges and other complaints. Therefore, we have given strict instructions to the entire field stuff and has spread consumer awareness that no field service personnel would demand single money from customers, and customer is also not required to pay single money to the agent. The entire transaction is to be deducted from subscribers' account.

- We have given in detail our suggestion on this point in our response to QoS CP, however the Authority seem to have ignored it. We once again reiterate that the Authority should withdraw the proposed regulation.

TEMPORARY SUSPENSION

- The Authority may like to reconsider their decision to introduce restoration fee for the following reasons:
 - Very low ARPU subscribers will be adversely affected.
 - Many subscribers who are in remote and rural areas with no additional income/funds and limited access to cash point/banks and no infrastructure, will tend to recharge their subscription account only when they have the extra money or when there is electricity.
- It comes as a surprise that the Authority is introducing the concept of restoration fees, when in the past it has issued direction and imposed penalties on operators for charging the same on the grounds that it was against consumer's interest.

NODAL OFFICERS

- In today's digital world, with easy connectivity we feel that there is no need for physical presence of our Nodal Officer in every state. While our services are being beamed down through satellite, and we do not have offices every state, and our services are outsourced, such as sales and field service happens through outsourced agencies so is our customer service through call center.
- Therefore, the key is to be accessible and that is through email and phone, which we will continue to do so as provided today.

MANUAL OF PRACTICE

- As already stated in our previous response to the QoS CP, Tata Sky already provides information to its subscribers and the information is easily made available on its website. In addition, it is also presented in a user friendly manner, such as our start up channel. Therefore, prescribing regulations for the kind of information and the manner and language in which it is to be distributed will not just be a cumbersome process, but it will also be complex for a consumer to understand the regulations, and will result in a regulatory friendly website but not necessarily a customer friendly website.

APPOINTMENT OF COMPLIANCE OFFICER

- We disagree with the requirement placed on the appointment of compliance officer. Telecom industry is not imposed with such a requirement. Therefore, mandating it in the DTH industry

comes as a surprise considering there is no security obligation/threat as compared to the telecom industry.

- Moreover, the DTO in regards to the compliance officer is discriminatory. TRAI seems to suggest that certain DPOs do not need to comply with this requirement and in so doing it is institutionalizing discrimination. It seems the asymmetric regulation has been suggested on grounds of exempting smaller players. However, it may be stated here that it is the smaller players that require monitoring instead of the big, organized DPOs. Therefore, if at all asymmetric regulation is to be brought in, it should be so for the smaller players and not on the DPOs who have always been in compliance.
- The TRAI Act have sufficient provisions in placed for enforcing compliance amongst licensees. Therefore, the requirement of compliance officer in unnecessary as it signals a step back towards license raj era.

The present response is without prejudice to the rights and contentions of Tata Sky and may not be construed as either an admission, or a waiver of the rights, otherwise available to Tata Sky under law.

TATA SKY'S RESPONSE TO ISSUES RELATED TO QUALITY OF SERVICES IN DIGITAL ADDRESSABLE SYSTEMS AND CONSUMER PROTECTION DATED 18TH MAY, 2016

We remain concerned on the issues for consultation and would like to bring the following to the attention of the TRAI:

ISSUES FOR CONSULTATION:

ISSUE1: QUALITY OF SERVICE (QoS) REGULATORY FRAMEWORK [3.1 - 3.3]

- Q1. What should be broad contours for QoS Regulatory framework for digital addressable systems? Please furnish your comments with justification.*
- Q2. 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.*

TATA SKY RESPONSE:

- Tata Sky supports a uniform regulatory framework for all digital addressable systems with respect to quality of service and consumer protection, as identical services are being provided to consumers across the country.

ISSUE 2: ISSUES RELATED TO QUALITY OF SERVICE [3.4-3.4.13]

- Q3. 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?*
- Q4. 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*
- Q5. Should minimum essential information to be included in the CAF be mandated through regulations to maintain basic uniformity? Give your suggestions with justification.*
- Q6. 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?*
- Q7. Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification.*
- Q8. 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?*
- Q9. What should be the minimum information to be included in MOP Give details with justification?*
- Q10. 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?*
- Q11. Should there be an initial subscription period while providing a new connection to protect the interest of both the subscriber as well as DPOs?*
- Q12. If so, what should be the duration of such initial subscription period?*
- Q13. What protections should be provided to subscribers and DPOs during initial subscription period? Give details with justification?*
- Q14. What should be the framework for compensation to the subscriber for dropping of a channel due to its non availability on the DPOs' platform?*
- Q15. 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.*
- Q16. 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*

- Q17. What should be the duration of disruption in service warranting compensation to the consumer and how the compensation should be calculated in following cases?
- Continued Disruption due to technical fault on the DPO network at the subscriber's end beyond the pre specified time.
 - Continued Disruption due to technical fault of CPE at the subscriber's end beyond the pre specified time.
- Q18. 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?
- Q19. 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?
- Q20. What should be the framework to address the concerns of stakeholders (Subscribers and DPOs) relating to temporary suspension of service?
- Q21. How issue of abrupt closure of service due to non payment can be addressed while protecting the interest of subscribers and DPOs?
- Q22. Is gradual closure of service as discussed in para 8.23 is a feasible option? If so what should be procedure and the framework?
- Q23. What should the procedure and timeframe to inform the subscriber regarding closure of service due to closure of business?
- Q24. 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?
- Q25. 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?
- Q26. 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.
- Q27. What measures may be adopted to ensure availability of good quality CPE to consumers?
- Q28. Should any charges such as visit charges, etc. be charged from the subscribers during guarantee-warranty period?
- Q29. What should be provisions for maintenance of CPE after the expiry of guarantee- warranty period?
- Q30. 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?
- Q31. Please suggest the standards and essential technical parameters for ensuring good quality of service for the following digital addressable platforms:
- Digital Cable TV
 - DTH
 - HITS
 - IPTV

TATA SKY RESPONSE:

Subscription to services:

- Q3 Yes all DPOs have consumer friendly timelines and offer speedy connection to new subscribers. Of course this varies based on geographical location such as in hilly areas or rural areas or remote areas. Most DPOs communicate this to the trade and the consumers, and speedy installation is one of the key drivers for consumers buying a service. With 6 Private DTH operators, 1 government owned DTH operator, and several cable operators/MSOs operating in each area, this is no longer an issue for customers and should not therefore be the subject of regulatory intervention.
- Q4 No mandatory timeframe should be introduced for providing new connection, as this will impact the business of the DPOs by curbing the flexibility that the business has in ensuring that the best quality of services is provided to the consumers.

For instance, if no good technicians/engineers are readily available in remote locations it may result in unforeseen/unexpected delay.

While we understand the intention behind prescribing such regulations, what we request the TRAI to take note here is that there is hyper competition in the market place, and each DPO out performs the other to prove their service as superior to the other and provide excellent customer service.

Currently Tata Sky, as well as some other DPOs have been able to provide new connection within 4 hours, depending on the location where a new connection is being requested. Again with 6 Private DTH operators, 1 government owned DTH operator, and several cable operators/MSOs operating in each area this is no longer an issue for customers and should not therefore, be the subject of regulatory intervention.

Consumer Application Form:

- Q5 We believe that there is no need to have regulations around what should be included in the CAF - the CAF is a dynamic document which involves collection of several type of information. There is no national security aspect here, and each DPO decides what information is relevant for it, and the manner in which it is collected. Further, consumers update their information regularly through consumer friendly manner such as the IVR, SMS, website, dealers, etc.
- Q6 No, there is no need to specify font size for CAF. Most DPOs provide all information on their websites which are easily accessible to all the consumers. And DPOs keep updating the information on their websites at regular intervals, and customers make changes as well to the information submitted in the CAF, therefore, the physical CAF is often outdated. Further, consumers today make vast number of purchases and do not end up getting referred to by most consumers as it is difficult for customers to keep track of purchase copies.

However, if the TRAI thinks it is necessary to introduce such terms, it should uniformly apply to the industry, including the public service broadcaster -Doordarshan.

Electronic CAF (e-CAF):

- Q7 Yes, it should be facilitated and encouraged. The industry itself has welcomed this step taken by the TRAI to introduce and accept e-CAF for a much simpler process of providing and managing services, storage of the data collected and at the same time reducing operational costs. Having said that, it may be stated here that mandating e-CAF without adequate timelines and safeguards being put in place at this stage will only add additional costs to the DPOs and will only discourage them from offering any incentives to the consumers. Thus, DPOs who believe that this will benefit consumers and themselves will anyways introduce them.

Manual of Practice (MoP):

- Q8-10 Tata Sky already provides information to its subscribers and the information is easily made available on its website, as well as physical brochures. In addition, it is also presented in a user friendly manner, such as our start up channel. This is updated from time to time. It is important to mention here that most DPOs create their website to help market their platform besides providing quick access and guidance to consumers with the service. Prescribing regulations for the kind of information to be distributed will not just be a cumbersome process, but it will also be complex for a consumer to understand the regulations, and will result in a regulatory friendly website but not necessarily a customer friendly website. It is therefore, unnecessary to regulate the information that is to be provided in the MoP, and the DPOs should be given the flexibility to decide the information in the MoP.

Providing printed copies of MoP should not be made mandatory, and the DPOs and consumers should be given the option to choose between the two. Mandating printed copies of MoP would require that

the information provided be up to date, which would mean updating and printing new booklets from time to time. This process will not just be taxing, but it will also be a burden on the consumers who will be bombarded with manuals from companies, not to mention the costs which are already being absorbed by the company, and the process will also move away from a more environment friendly practices.

Moreover, in an era of globalization and digitization, where even the Government of India is taking a step forward in digitizing all government portals into digital format, imposing on the industry to mandatorily provide printed MoP/information appears to contradict the idea of Digital India

Initial Subscription Period:

Q11-13 Currently, there is no minimum subscription period provided for new connection. We believe that regulation should be kept out of how long or how short a consumer should have to subscribe to a service for, and consumers should have the freedom to stay as long or as little as they believe the service is relevant to them.

Non Availability of Channels on Platform:

Q14-15 It is unnecessary to bring about regulation for providing compensation in the event channels are being dropped from a bouquet. In the event of a channel ceasing to be available on a platform, it is impossible to arrive at a realistic and meaningful price reduction. It is impractical to compensate a consumer for dropping a single channel, as there are other channels that the consumers still have the option to continue receiving within the bouquet. This also does not take into account that channels keep getting added to platforms and bouquets and the consumer does not need to pay any additional cost for these during the term of the customer's subscription.

In the case of an a la carte channel, the DPO would of course return the amount paid by the consumer for the channel since it is no longer available to the consumer. However, if the authority feels that compensation should be given, it may consider doing so only if more than 10% of channels being offered in a particular bouquet are dropped from the bouquet offered by the DPO as that may have an impact on a consumer's viewing experience.

Disruption in Service:

Q16-17 Tata Sky already provides compensation to consumers for any disruption due to no signal beyond 5 days, and also provides reverse credits into the subscription account of the consumer for disruption due to technical fault of the DPO network or CPE if the period of such disruption is beyond a period of 2 days.

Shifting of Service Connection:

Q18 Currently Tata Sky has been able to respond and fulfill shifting/transfer of connection as and when the consumer raises a request. However, one should also note that even though request is raised for shifting of connection on a specified date, most consumers do not complete shifting to their new location on the requested day and the engineers are asked to reschedule for some other date. Therefore, there should be no prescribed timeline for shifting of connection to new location. This should solely be left to the consumers' preferences.

Transfer of Service Connection to Another Consumer:

- Q19 Tata Sky is of the view that the existing process that DPOs follow, which includes obtaining a declaration/no objection from the original consumers, completing and signing of CAF and subscription contract by new consumer, is sufficient to authenticate and enable smooth transfer process and is a valid process under law. Thus, there is no need for further regulations to be imposed on the DPOs or the consumers.

Temporary Suspension of Service:

- Q20 The TRAI's mandate relating to temporary suspension of services already takes care of consumer interest and this must strictly be complied by all the DPOs/stakeholders. This however, has been selectively implemented by DPOs, and therefore, either the regulation needs to be removed or there should be uniform compliance.

Closure of Service:

- Q21-22 Tata Sky would like to submit that mandating any time frame or procedure for gradual closure of service will have a serious impact on the financial viability of our business. It may also be mentioned here that consumers are given several reminders in the form of SMS on registered mobile number, email on registered email address provided and on screen display notification well before the due date to ensure timely payment of subscription fee to avoid deactivation of services. Therefore, we do not see any reason to continue providing FTA channels or DD channels for non-payment of the service.

We would also like to highlight here that a DTH operator is liable to pay the broadcasters who own the contents carried on various platforms, and in the event consumers fail to make payments and more flexibility is introduced with respect to time for making such payments, it may be difficult for the DTH operators to recur the costs and comply to the terms of the agreement entered with the broadcasters.

Further, a DTH operator is primarily in the business of providing a continuing TV service to its subscribers where the STB acts as an enabler to the service an operator provides. The STB is used by the DPO to provide all channels and it is not financially viable for the DPOs to only provide FTA channels – that service is already being provided by DD Direct.

- Q23 This is a unique situation which has not taken place as yet. This should be dealt with on a case to case basis if such an event happens and based on the particulars of such a situation. It's possible for DPOs to cease existing by being acquired, or being merged into other DPOs. In the event of absolute closure of service, the DPOs should be given the option of choosing means and time frame for informing the consumers of such closure.

Customer Premises Equipment (CPE):

- Q24-26 DPOs offer consumers attractive and favourable schemes to acquire customers which are well below the cost of the STB. Therefore, there is no reason right now for a consumer to want to own a STB, at a much higher start up cost and then take the DPOs service. All schemes are published on the DPOs website and therefore, available to consumers.

Tata Sky would be willing to look at various options for Commercial Interoperability as long as Technical Interoperability is removed from the License terms. Having both in place is only causing additional burden on the DPOs and not consumer friendly.

- Q27-29 Tata Sky set top boxes are BIS compliant and we provide one year annual service commitment (ASC) free of charge to the consumer. Post the expiry of the ASC, Tata Sky only charges a nominal amount for services rendered, and in fact subsidizes the cost of sending trained technicians to subscriber premises to ensure speedy and superior service, or of troubleshooting their problems through the call center which are not charged to the consumer. With the presence of 6 DTH operators in the country, customer service is the only differentiator. Thus there is no reason for further regulation around this.
- Q30 Consumers are given the option to select the most convenient means for them to return the STB. This can either be by way of calling the DPO's helpline/call center requesting the STB to be retrieved from the consumer premises, or the consumer dropping the STB at the nearest DPO center. However, no charges can be refunded to the consumer as the customer does not pay the cost of the STB, and also until technical interoperability is removed from the license terms and conditions, and commercial interoperability is introduced. The DPO has an additional responsibility of follow e-waste guidelines for disposal of such returned and unserviceable STBs.

Technical Standards for Signal and Network Parameters:

- Q31 The current specifications covering product quality, safety standards and other essential parameters which are prescribed by the Bureau of Indian Standards are sufficient in ensuring good quality of service.

ISSUE 3: ISSUES RELATED TO CONSUMER PROTECTION [3.5 – 3.5.5]

- Q32. What are the different methods to effectively increase consumer awareness?
- Q33. How consumer related information can be effectively provided to Subscribers through DPO website. What minimum information should be provided through consumer corner?
- Q34. 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?
- Q35. 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?
- Q36. What options can be used for verifiability of subscriber communications for any change in service or provision of additional service?
- Q37. What should be the duration to preserve such verifiable subscriber communications requesting change in service or provision of additional services at DPO level?
- Q38. What should be optimal number of channel packages which meets the subscriber demand and are well understood by the subscribers?
- Q39. How the package offerings can be improved in case of cable TV services so that effective choice is made available to the consumers?
- Q40. Whether the choice of Pre or Post paid method should be mandatorily made available to the subscribers?
- Q41. 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?
- Q42. Should pre-paid method is encouraged in case of cable TV services provided through LCOs? Support your comments with justification.
- Q43. What should be the billing cycle both for pre-paid and post paid? Please give your comments along with justification.
- Q44. Should deduction of maintenance related charges for CPE from the pre paid subscription account be prohibited?
- Q45. How Toll Free number and call centre details can be widely publicised among the subscribers?
- Q46. How response time and accessibility of call centre including that of the Call centre executive can be enhanced?
- Q47. Please provide your comments on the following performance parameters discussed in preceding paras related to call centre?
- Call centre availability hours
 - Multiple languages in IVR
 - Response time for answering IVR and voice to voice calls
 - Sub menu and accessibility of customer care executive

- Q48. What should be the timelines for complaint resolution for different type of complaints at call centre and Nodal officer level?*
- Q49. Can outsourcing of call centre and web based complaint monitoring functions to third party help in increasing efficiency and compliance levels?*
- Q50. What should be the innovative ways to develop a speedy user friendly complaint registering and redressal framework using Mobile Apps, SMS, Online system etc.*

TATA SKY RESPONSE:

Publicity of Information and Consumer Awareness:

- Q32 The TRAI's initiative to conduct Consumer Out Reach program in different parts of the country is a positive step towards increasing consumer awareness. Various consumer offers are also promoted via consumer advertising, the TV start up screen, and in information shared through the distributor network, as also other methods.
- Q33 Tata Sky already provides consumer related information, scheme details including terms and conditions, MoP etc. on its website and would continue doing the same. The information presented needs to be presented in a consumer friendly and marketing friendly manner rather than a prescriptive manner, and also keeps getting updated from time to time. This is best left to individual DPOs based on their knowledge of the market. The best decider of this is the consumer who would in any case chose the services of the DPO which offers its services in the most consumer friendly manner.
- Q34 Yes, we agree with the TRAI's recommendation to uniformly allow outsourcing for various web based operations to all DPOs. There are specialized companies to provide such services in an efficient manner. However, this should be left to the DPOs to decide which system best suits their business needs.
- Q35 Television being a visual medium, any notices/information relating to the television should be aired on the visual platform itself. This may be in the form of onscreen displays, which covers part of the screen to ensure that the information is noticed by the viewers, scrolls on a particular channel, or on the startup screen of a STB, or a consumer info section. For the moment there is no need to specify any further details on how it's being used – any individual issue can in any case be raised in a complaint before a competent authority.

Subscriber Consent for Change of Service:

- Q36-37 Any request/confirmation for change in service is received through the registered mobile number, or any alternate mobile number registered with the DPO, and post verification and validation the consumer is assisted through IVR process to complete the request. Similarly change is also made by consumers via SMS, registered email address, the website, online chat or through the dealer network. Such communication may be maintained by a DPO either by itself, or through any specialized entity appointed by it for a period of up to 1 year.

Service Offering and Service Packages:

- Q38 – Tata Sky is of the view that there should not be any restriction on the number of channel packages that are being broadcast and offered to the consumers as DPOs, in striving toward providing the best options to its consumers, have been introducing more and more channels to meet the varied viewing interests of consumers on an all India basis. It may also be highlighted here that while there are consumers who continue to remain with the same service provider for a long time without changing their chose channel package, there are others who change the channel packages, and still there are some who obtain connection at different point in time when new channels are launched in the DPOs

platform and a particular package is launched. In view of the varied viewing choice of the consumers, there is a need to keep introducing new channel packages and thus providing restrictions on the number of channel packages will prohibit the DPOs from meeting the demands of the consumers. Also a lot of old channel packages continue to remain on the DPOs offering for the consumers who had purchased them.

Billing Provisions:

Q40-43 It is unnecessary to impose any payment methods or the content of the bill statement of subscribers. This should be best left to the DPOs based on their business model and packages that are being offered to the consumers. Currently Tata Sky's pre-paid bill statement contain details of the subscription account, packages subscribed to, price of the packages, billing cycle, previous and current balance in the subscription account and the bill amount for the current period. Stipulating a post-paid payment method may likely increase the number of complaints and disputes in the event a consumer does not pay post-paid bills and continues to enjoy the services, thus affecting the business of DPOs as well. Therefore, the payment methods and billing cycle etc. should be best left to the DPOs.

Q44 No, there should not be any regulation on deduction of maintenance charges for CPE from subscription account of consumers. The process currently followed by DPOs ensure that there is fair and transparent payment system in place with notifications for the deduction so made being sent via SMS to the customer on his/her registered mobile number, and without any unnecessary burden for tracing cash related transactions that may take place without authorization. Any form of cash transaction will not only encourage corruption but also bring about inefficiency in the system, resulting in consumer dissatisfaction and thus increasing complaints.

Call Centre for Customer Care:

Q45 Toll free number is made available on the homepage of Tata Sky, which is easily accessible to consumers. Although, providing the toll free number on the website adversely affects the business of the company as many non consumer calls are received, it has been put up to ensure wide publicity.

Q46-48 The current regulation by the TRAI already addresses the consumer grievances redressal mechanism, and all DPOs have been working towards meeting the benchmark set by the TRAI. The same applies to the Nodal Officer complaints as well.

Q49 Yes, we agree that out sourcing of call centers and web based complaint monitoring functions will increase efficiency. With globalization and the emergence of technology, there is a change in the way business functions and this is evident from the various call centers and web based services that are engaged by various companies across industry. Considering the different skill set that is required in handling high volume of complaints from different consumers across the country, outsourcing these to specialized companies will help in achieving efficient services. However, the decision to adopt this system should be at the discretion of the DPOs as they can only decide what best suits their business model.

Q50 Most DPOs have already developed different mechanism to enable simple and fast tracking of consumer complaints in the quickest and most efficient manner. Thus, there is no need to introduce any regulations at this stage. All the options mentioned by the TRAI are already being adopted, and consumers will choose the best DPO based on such consumer friendly practices adopted by it, and therefore, this should not be the subject matter of regulation.

ISSUE 4: ISSUES RELATED TO QoS COMPLIANCE AND REPORTING [3.6]

Q51. What should be framework for implementation of electronic PMR?

Q52. What should be framework for auditing of the records for QoS regulatory compliance by DPOs? Please suggest appropriate measures along with justifications.

Q53. What should be framework for carrying out survey for QoS compliance and subscriber satisfaction?

Q54. 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.

TATA SKY RESPONSE:

Q51 The current mandate for filing PMR with the TRAI addresses all concerns raised in the consultation paper by the TRAI. We also agree with the TRAI's recommendation to implement an electronic PMR filing. A user friendly PMR may be developed by one of the top IT companies providing maximum bandwidth to enable access at all times simultaneously by number of users online. Specific mention is made of the Registrar of Companies (RoC) system that is available for significant periods leading to non compliance.

It would however, be helpful to have clear and concise information which is of real and immediate use to the TRAI to be collected, rather than collecting voluminous information. Any specific information that the TRAI requires will in any case be provided by DPOs on request.

Q52 Tata Sky submits that it already follows a transparent system and complies with all prescribed regulations, and its records are already audited as required under law. However, if the TRAI deems it is necessary to implement framework for auditing of records, besides the existing provisions under the DTH QoS, it may prescribe a framework that uniformly applies to all the stakeholders in the industry, instead of being applied only to a few. The proposed framework should, however, be shared with all the stakeholders in advance to prevent such framework from becoming a phishing and enquiry mechanism.

Q53 Any system of audit which is applied across the board to all DPOs is welcome provided the format is shared in advance with the DPOs is acceptable. However, if this is selectively applied only to some large DPOs, it would not serve the purpose of measuring overall customer satisfaction.

Q54 The TRAI is able to take action for any fraud or willful breach of regulations under law. However, imposition of financial penalties for a one off error should be avoided as any system is always prone to some errors and has scope for improvement. Also the TRAI could recommend to the MIB to offer financial incentives for compliance of its regulations. Higher levels of customer service and compliance must also be rewarded.

ISSUE 4: MISCELLANEOUS ISSUES RELATED TO CONSUMER PROTECTION [3.7]

Q55. Should all channels carried on the platform of a DPO must be included and shown in the EPG? Justify your comments.

Q56. Stakeholders may also provide their comments on any other issue relevant to the present consultation.

TATA SKY RESPONSE:

- Tata Sky has been including all channels on its platform in EPG to keep the consumers updated and enable them to view and choose from the channels that are available on its platform. The same is also updated on the DPOs website.

- It appears discriminatory and anti consumer that consumers of the 6 private DPOs have access to redressal mechanisms under the TRAI QoS regime, however, no such redressal mechanism is provided for consumers of DD Free Dish. Therefore, for any regulation to be effective the same should be applied in its entirety to DD Free Dish as well.
- Tata Sky request the TRAI to adopt a friendly approach to regulation and introduce regulations only where absolutely required. The QoS regulations have now become so complicated that it is no longer able to be understood by business teams, and requires serious interpretation by lawyers.