

Dated the 11<sup>th</sup> January, 2008

**Subject:** Amendment of Direction issued vide No.11-13/2006-B&CS dated the 24<sup>th</sup> August, 2006 to all Broadcasters, Multi System Operators and Cable Operators – Standard Interconnection Agreements in CAS notified areas.

No.11-13/2006-B&CS.----- Whereas, in exercise of the powers vested under section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), for the discharge of functions under clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004), as amended from time to time, (hereinafter referred to as the said regulations) the Authority issued a Direction No.11-13/2006-B&CS dated the 24<sup>th</sup> August, 2006, (hereinafter referred to as the said Direction) to all Broadcasters, Multi System Operators and Cable Operators operating in the areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) which, *inter alia*, -

(a) provided that as per sub-clause (2) of clause 5 of the said regulations, all those service providers in CAS areas who did not have a pre-existing interconnection agreement appropriate for operating in a CAS area as on the date of issue of said regulations, and who were also not able to arrive at a mutually acceptable agreement, should enter into interconnection agreements as per the standard agreements specified in Schedule I (between Broadcaster and Multi System Operator) and in Schedule II (between Multi System Operator and Cable Operator) to the said Regulation, within ten days of the receipt of the permission by the Multi System Operator under Rule 11 of the Cable Television Network Rules, 1994, as amended by the Cable Television Networks (Second Amendment) Rules, 2006;

(b) provided that as per sub-clause (2) of clause 5 of the said regulations, all those service providers in CAS areas who had a pre-existing interconnection agreement appropriate for operating in a CAS area as on the date of issue of the said regulations, but who were unable to arrive at a mutually acceptable agreement within thirty days of the expiry of the pre-existing interconnection agreement, should enter into interconnection agreements as per the standard agreements specified in Schedule I and in Schedule II to the said regulations, within thirty days of the expiry of the pre-existing interconnection agreement;

(c) directed in sub-paragraph (iii) of paragraph 7 of the said Direction for sending of compliance report before the dates specified in the said sub-paragraph (iii);

2. And whereas the Broadcasters, Multi System Operators and Cable Operators in the areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) had entered into interconnection agreements and complied with the directions contained in sub-paragraph (i) or sub-paragraph (ii) of paragraph 7 of the said Direction;

3. And whereas sub-paragraph (i) and sub-paragraph (ii) of paragraph 7 of the said Direction provide for entering of interconnection agreement, as per the standard agreement specified in Schedule I and Schedule II to the said regulations, by the Broadcasters, Multi System Operators and Cable Operators referred to in the preceding paragraph in case they are not able to arrive at a mutually acceptable agreement, and, --

(a) in terms of clause 1.3.1. of the standard interconnection agreement (between Broadcasters and Multi System Operators) as specified in Schedule I of the said regulations, the said interconnection agreement shall be valid for a period of twelve months unless otherwise terminated prior to the expiry of validity period of twelve months in accordance with the terms and conditions of the interconnection agreement; and

(b) in terms of clause 8.1. of the standard interconnection agreement (between the Multi System Operators and Cable Operators) as specified in Schedule II of the said regulations, the said interconnection agreement shall remain in effect until terminated;

4. And whereas in paragraphs 4.4 and 4.5 of the Explanatory Memorandum annexed to the Telecommunication (Broadcasting and Cable Services) Interconnection (Second Amendment) Regulation, 2006 (9 of 2006) it has been, *inter alia*, stated that the standard agreements would be valid for only one year so that there is enough time for service providers to work out their mutually acceptable long term arrangements and the parties are free to enter into mutually acceptable interconnection agreements which may differ from the standard interconnection agreement even after signing the standard interconnection agreement and that after a period of twelve months the agreements can be suitably revised and if there is any need for issue of a regulation at that stage the same can be considered then;

5. And whereas the validity periods of the interconnection agreements, entered into between the Broadcasters and Multi System Operators and between Multi System Operators and Cable Operators, in terms of the standard interconnection agreements in pursuance of the said Direction may expire due to efflux of time specified in the interconnection agreements or certain new service providers may have also come into existence subsequent to the implementation of Conditional Access System with effect from the 31<sup>st</sup> December, 2006 in the areas notified by the Central Government under sub-

section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995);

6. And whereas the Authority has [as specified in the Explanatory Memorandum annexed to the Telecommunication (Broadcasting and Cable Services) Interconnection (Second Amendment) Regulation, 2006 (9 of 2006), as referred to in the preceding paragraph,] undertaken review of standard interconnection agreements by collecting data from service providers in CAS notified areas and, in the mean time, it has become necessary to ensure that necessary interconnection agreements are entered into for covering cases where the service providers are not in a position to work out their mutually acceptable long term arrangements or to enter into mutually acceptable interconnection agreements which may differ from the standard interconnection agreement even after signing the standard interconnection agreements pursuant to the said Direction in order to protect the larger interests of consumers and service providers of the cable television networks and ensure orderly growth of the operation of cable television networks and promote this sector;

7. Now, therefore, in exercise of the powers vested under section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), for the discharge of functions under clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004), as amended from time to time, the Authority, hereby directs that, without prejudice to the provisions of any regulations made by the Authority, the following amendments shall be made in its earlier Direction No.11-13/2006-B&CS dated the 24<sup>th</sup> August, 2006, namely:-

In the said Direction, in paragraph 7, after sub-paragraph (iii), the following sub-paragraphs shall be inserted, namely:-

“(iv) At any time after the issue of this amendment to the Direction, all those service providers in CAS areas who do not have a pre-existing interconnection agreement appropriate for operating in a CAS area, and who are also not able to arrive at a mutually acceptable agreement, shall enter into interconnection agreements as per the standard agreements specified in Schedule I (between Broadcaster and Multi System Operator) and in Schedule II (between Multi System Operator and Cable Operator) to the said Regulation, within thirty days of the request made by a distributor of television channels holding necessary registration or approval, as the case may be, for operating in the CAS area; and

(v) At any time after the issue of this amendment to the Direction, all those service providers in CAS areas who have a pre-existing interconnection agreement appropriate for operating in a CAS area, but who are unable to arrive at a mutually acceptable agreement within thirty days of the expiry of the pre-existing interconnection agreement, shall enter into fresh interconnection agreements as per the standard agreements specified

in Schedule I and in Schedule II to the said Regulation, within thirty days of the expiry of the pre-existing interconnection agreement.”.

**(R. N. Choubey)**  
Principal Advisor (B&CS)

To:

All Broadcasters, (as per list)  
Multi System Operators(as per list) and Cable Operators operating in the areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).