

Cable Operators Federation of India

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The Chairman
Telecom Regulatory Authority of India
New Delhi-110002

Kind Attention: Sh Wasi Ahmad (Advisor (B&CS))

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Sub: Comments on TRAI Draft Tariff Order prescribing Commercial Interoperability of CPEs for DTH services issued on 27 February 2015

Sir,

Ref Consultation on Draft Tariff Order prescribing Commercial Interoperability of CPEs for DTH services issued on 27 February 2015.

TRAI's effort in introducing Interoperability of STBs in DTH services through this revised Tariff Order is well appreciated. Interoperability is the burning issue of today, very important for the benefit of consumers who are being taken for a ride, both by DTH operators as well as MSOs who for their vested interests want to remain the sole suppliers of STBs for their services, in spite of the existing regulations as well as TRAI's Quality of Service Regulations stipulating a choice to consumer to buy a compatible STB from the open market.

Interoperability can solve many pending issues in implementing digitisation.

As we have observed, all MSOs and DTH operators are charging 'activation fee' from consumers and do not provide ownership to the consumers to avoid paying VAT and other duties. Even the Government has been misled to believe that STBs are being subsidised by them.

It is in consumer interest that interoperability of STB in any form is strictly implemented in India.

Encourage Indigenous Manufacture Interoperability will also encourage manufacture of STBs in India breaking the stronghold of a few international vendors. STBs as well as CAS of Indian origin can eliminate the monopoly of a few international STB manufacturers and

CAS companies who charge high royalties in dollars per set-top-box (STB) increasing the cost to consumers. Interoperability can bring down the cost drastically.

Technical Interoperability in DTH Guidelines

We appreciated the concept of technical interoperability as that gives flexibility to the consumer and is also going to be a way forward as the concept is gaining more and more popularity in the international market. As per the current DTH licensing guidelines the DTH operators have to be interoperable and none of the operator has shown that their set-top-boxes are interoperable which means they have been flouting the licensing conditions.

Not only the above, since Integrated Digital TV sets have already been introduced all over the world, it will be in consumer interest to implement technical interoperability in DTH at the earliest. It will also encourage indigenous manufacturing since STBs will be available in the open market.

We agree with the various clauses of the Tariff Order accept the ones given below with our comments.

Clause 4. (4) DTH operator may specify installation and activation charges for the customer premises equipment not exceeding rupees three hundred and fifty.

Comment

Only installation charges may be charged. Activation fee should not be charged.

Clause 5(2) (C) if the customer premises equipment has been acquired under bundled scheme, in addition to the refund towards customer premises equipment specified in para (b), the balance amount for the bundled programmes after deducting the charges for the number of completed month or part thereof for which DTH services were availed by the subscriber by applying average monthly charge for such programmes:

Provided that DTH operator may deduct additional one month average charge for surrender of connection before the expiry of the specified period for the bundled scheme:

Provided further that if a subscriber surrenders his connection within the lock-in period, DTH operator may deduct the amount of depreciation of the value of the customer premises equipment and the average monthly charge for the bundled programmes for the entire lock-in period.

Comments:

A bundled charge must be clearly specified giving breakdown of costs of the STB as well as the programme content, else a consumer can be taken for a ride getting no refund on return.

(4) DTH operator shall designate one centre located in every district headquarter for surrender of customer premises equipment.

(5) Every DTH operator shall provide facility for registration of request of the subscribers for surrender of the connection on its toll free number and display it on its website.

(6) DTH operator shall, on the registered request of the subscriber, collect the customer premises equipment from the premises of the subscriber and deduct an amount not exceeding rupees one hundred and fifty as collection charge from the total amount refundable to the subscriber.

(7) The subscriber may surrender the customer premises equipment at the designated centre of the service provider and in that case DTH operator shall not charge any collection charge.

(8) DTH operator shall not deduct any other charge from the amount refundable to the subscriber on return of the customer premises equipment.

(9) There shall be no obligation on DTH operator to make any payment on return of customer premises equipment after it has been used by the subscriber for five years.

(10) Every DTH operator shall, within fifteen days of receipt of request from the subscriber collect the customer premises equipment from the premises of the subscriber.

(11) Every DTH operator shall, within seven days of receipt of the customer premises equipment, ensure payment of the refund amount at the premises of the subscriber.

6. Publication.--- (1) Every DTH operator shall publish on its website all schemes for customer premises equipment along with their terms and conditions.

(2) DTH operator shall, before entering into subscription agreement with the subscriber, explain to the subscriber details of all the schemes for acquisition of customer premises equipment and take the declaration of the subscriber on subscription agreement acknowledging that details of the schemes have been explained to him.

(3) Every DTH operator shall, on entering into subscription agreement with the subscriber, provide to the subscriber details pertaining to scheme opted by him, as specified in the Schedule I of this order.

(4) DTH operator shall display the refund table alongwith corresponding scheme on its website.

Comments:

Life of a Dish and LNB may not be same as the STB. Moreover, since the Dish and LNB is installed in the open, their wear and tear due to weather conditions may be much faster.

It also depend on the quality of the Dish. We suggest that the refund mechanism may be different for the outdoor equipment and the indoor STB.

9. Repair and maintenance of CPE.---DTH operator shall, at the time of entering into subscription agreement with the subscriber, provide the details of repair and maintenance services to be provided by it to the subscriber and charges therefor, if any:

Provided that DTH operator shall repair and maintain the customer premises equipment for five years without any charges from the date of activation of services to the subscriber.

Comments:

As brought out in the above comment, the warranty must specify the life of STB and the outdoor equipment separately. Maintenance/ free replacement must be given if within the warranty period without any delay.

PART-III

MISCELLANEOUS

11. Reporting Requirement.----Every DTH operator shall report to the Authority, within fifteen days of launch of any new scheme or any modification in the existing scheme, the details of the scheme along with its terms and conditions.

12. Power of Authority to intervene.----The Authority may, by order or direction made or issued by it, intervene in order to ensure compliance of the provisions of this tariff order, or protect the interests of subscribers and service providers.

Comments:

It has been seen in the past that TRAI regulations and Tariff Orders/ directions are not followed in the true spirit. TRAI must ensure the compliance by taking a strict action against the defaulters. For years operators have flouted thje regulations and once checked, approached the Court and get the stay which demoralises others who are adhering to the rules and regulations. TRAI should find a solution to this if consumers have to be given the true benefits.

Yours Faithfully,

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