

“THE STANDARDS OF QUALITY OF SERVICE (BROADCASTING AND CABLE SERVICES) (CABLE TELEVISION - CAS AREAS) REGULATION, 2006 (8 OF 2006)”

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

No.16-2/2006 -B&CS

Dated: 23rd August, 2006

In exercise of the powers conferred upon it under section 36 and sub clause (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification No.39 [No.S.O. 44(E) and 45 (E) dated 9th January, 2004], issued from file No.13-1/2004–Restg. by the Government of India under clause (d) of sub-section(1) of section 11 and proviso to clause (k) of sub-section(1) of section 2 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India, hereby makes the following regulation, namely:-

1. Short title, extent and commencement:

- i) This Regulation shall be called “The Standards of Quality of Service (Broadcasting and Cable services) (Cable Television - CAS Areas) Regulation, 2006 (8 of 2006)”
- ii) This Regulation shall extend to the whole of India.
- iii) This Regulation shall come into force from October 1, 2006.

2. Definitions:

In this regulation, unless the context otherwise requires:-

- (a) “addressable system” means an electronic device or more than one electronic devices put in an integrated system through which signals of television channels can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within limits of the authorization made, on the choice and request of such subscriber, by the service provider to the subscriber;
- (b) “alternative tariff package” (ATP) means a tariff package which a service provider may offer, in addition to the standard tariff package, for supply of a set top box to the subscriber for receiving programmes;
- (c) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (d) “authorized officer” shall have the same meaning as given in clause (a) of section 2 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995);
- (e) “broadcaster” means any person including an individual, group of persons, public or body corporate, firm or any organization or body who or which is providing programming services and includes his or her authorized distribution agencies;

(f) “basic service tier” means a package of free-to-air channels provided by a cable operator, for a single price to the subscribers of the area in which his cable television network is providing service and such channels are receivable for viewing by the subscribers on the receiver set of a type existing immediately before the commencement of the Cable Television Networks (Regulation) Amendment Act, 2002 without any addressable system attached to such receiver set in any manner;

(g) “CAS Area” means the State(s), City (ies), Town(s) or Area(s), where, in terms of a notification issued under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), it is obligatory for every multi system operator / cable operator to transmit or retransmit programmes of any pay channel through an addressable system;

(h) “cable operator” means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network;

(i) “cable service” means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

(j) “cable television network” means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(k) “distributor of TV channels” shall have the same meaning as given in sub clause (j) of clause (2) of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation 2004 (13 of 2004);

(l) “free to air channel” or “FTA channel” means a channel for which no fees is to be paid to the broadcaster for its retransmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly and which would not require the use of any addressable system attached with the receiver set of a subscriber;

(m) “multi system operator(MSO)” means a cable operator who receives a programming service from a broadcaster or his authorized agencies and re-transmits the same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more cable operators, and includes his authorized distribution agencies by whatever name called;

(n) “pay channel” means a channel for which fees is to be paid to the broadcaster for its retransmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly and which would require the use of an addressable system attached with the receiver set of a subscriber;

(o) “programme” means any television broadcast and includes-

- (i) exhibition of films, features, dramas, advertisements and serials
- (ii) any audio or visual or audio-visual live performance or presentation

and the expression “programming service” shall be construed accordingly;

(p) “service provider” means the Government as a service provider and includes a licensee as well as any broadcaster, multi system operator(MSO), cable operator or distributor of TV channels;

(q) “set top box” means a device, which is connected to, or is part of a television and which allows a subscriber to receive in unencrypted/descrambled form subscribed pay channels through an addressable system;

(r) “standard tariff package “(STP) means a package of tariff as may be determined by the Authority for supply of a set top box to the subscriber by a service provider for receiving programmes;

(s) “subscriber” means a person who receives the signals of a service provider at a place indicated by him to the service provider without further transmitting it to any other person.

3. Provisions relating to connection, disconnection, transfer and shifting of cable service in CAS areas

3.1 (a) Cable operators /MSOs, as the case may be, in notified CAS areas, shall devise formats of applications in bilingual mode (including one local language), for all subscribers of pay channels to take a set top box, to return a set top box, to shift or transfer and to seek connection, disconnection or reconnection of cable service. Adoption of a common format prescribed, if any, by MSO or its affiliate for a group of cable operators under him, as the case may be, would be construed as compliance of the requirement under this clause. Every subscriber whose application has been accepted will be given a unique ID number and this should preferably be built in the Subscriber Management System of the MSO.

(b) The requirement of application form for subscribers of pay channel but not for subscribers of basic service tier, comprising of free to air channels, in CAS Areas should not be construed as exclusion of the latter category of subscribers from the applicability of the clauses providing for standards of quality of service relevant to them.

Explanation : In Chennai the provisions of this clause and clauses 3.2 to 3.7 will apply, to new subscribers of pay channels.

3.2 The devised format of application, inter alia, must contain the following details:

- i. Applications shall be serially numbered and shall be in bilingual mode (including one local language).
- ii. There should be two copies of application and one will be returned duly acknowledged as having been received by the cable operator /MSO
- iii. Name, Address, telephone numbers, mobile numbers, fax numbers, e-mail address, if any, of the cable operator as well as the MSO, and the names of contact persons (at least two).
- iv. Details contained in the Registration Certificate obtained under section 4(3) of the Cable and Television Network (Regulation) Act, 1995 (7 of 1995) such as date of certificate, the date of expiry of Registration Certificate as well as any approval given by the Government of India
- v. Details of Entertainment Tax, Service Tax Registration number, if applicable.

- vi. Details of programming services offered clearly indicating number and names of channels available, bouquets of channels, whether free to air channel or a pay channel, value added services, if any, available.
- vii. Maximum retail prices of individual channels, bouquet(s) of channels alongwith names of the channels and bouquet(s) of channels offered.
- viii. In case the cable operator has a number of schemes of alternative tariff packages in addition to the standard tariff package as may be prescribed by the Authority for supply of set top boxes it can be attached to the application form as an annexure or circulated in such a manner that a subscriber is aware of the services offered and price thereof and can indicate his choice.
- ix. The application form should clearly lay down the terms and conditions and in particular contain the following:
 - (a) Columns for getting basic information about the subscriber such as name, address, telephone/mobile number, etc. All such personal information should be kept confidential.
 - (b) Payment terms, indicating the due dates of payment, mode of payment, special discount schemes for lump sum or advance payment, penalty, charging of interest for delayed payment etc.
 - (c) Reasons and grounds on which the application is liable for rejection.
 - (d) Application form should facilitate subscribers to indicate number of TV sets, location where connection desired, individual channels and or bouquet(s) desired, value added services, if any, required.
 - (e) List of documents, including proof of residence, required to be furnished for fresh connection, shifting, disconnection.
 - (f) Procedure for handling complaints either in the application form or separately in the form of booklet /pamphlet indicating
 - i) Possible areas /causes of complaint
 - ii) Contact details of persons responsible for redressal of the complaint – at least two.
 - iii) Procedure to be followed in getting the complaint redressed for each or group of causes or areas of complaint.
 - (g) Maintenance / service policy either as a part of the application or as a separate booklet/pamphlet.
 - (h) Policy for rebate in case of no signals or disruption in service.
 - (i) Obligations of the cable operator/ MSO to ensure quality of service as stipulated in this regulation.
 - (j) Obligations of the subscriber to protect and guard the property of the cable operator placed in the location of the subscriber where programming services have been requested for.

(k) Technical and Non-technical parameters of Standards of quality of service prescribed by the Authority.

3.3 An application duly signed and complete in all respects for subscribing to pay channels, or a request only for basic service tier, from any subscriber, residing in the area specified in the Registration Certificate of the cable operator should be responded to by the cable operator within five working days of receipt of application, indicating the deficiencies shortcomings, if any, in the application or request, as the case may be, expected date of activation of the connection /reactivation of connection

3.4 The cable operator shall also, in the case of subscribers for basic service tier, capture the details required of an applicant for pay channels and maintain appropriate records for the period as may be prescribed by the Authority from time to time.

3.5 In case, the cable operator finds that it is possible to provide connection, i.e, there is no technical non-feasibility, the activation/reactivation of the connection should be completed within two working days of the completion of the formalities on the part of the subscriber. For the purpose of this clause, the term 'technical non-feasibility' would mean and include the following:

- i) The location where the services required is not accessible or would be accessible at a cost, which the subscriber is not agreeable to bear.
- ii) The location where the services required are accessible, but it is not technically feasible to provide the extent of quality of signals as specified in clause 8 of this Regulation.
- iii) The location where the services are required falls outside the jurisdiction of the area for which the cable operator holds a registration certificate.

3.6 In case it is not technically feasible to provide cable services in the location where the services are requested by the applicant, he or she should be informed within 5 working days from the date of receipt of application, indicating the reasons as to why it is technically not feasible to provide service and what the consequences are in terms of quality of signals even if provided despite technical non-feasibility. If possible, the MSO/ cable operator may inform such applicant of the alternative sources from where cable services can be obtained.

3.7 No request from a subscriber for cable service at a location which falls within the area for which the cable operator has a valid registration certificate to provide cable service shall be rejected by any cable operator, solely on the ground that the location or the household has been demarcated for any other cable operator authorized to provide cable service in the same area. It is, however, clarified for removal of doubts that this would not preclude a cable operator from rejecting an application on any other explicitly stated grounds of rejection that he can establish.

3.8 Each MSO shall prescribe a procedure to be followed by the cable operators for handling requests for shifting by the subscribers within his network/area of operation. For this purpose, the MSOs/their affiliates may evolve a mutually agreed procedure and this procedure should provide, inter alia, for the details of steps to be followed by the cable operators, formalities to be completed by the subscriber and the maximum time limit within which the shifting should be completed. They may lay down different time limits for different situations but it shall however be ensured that the procedure prescribed is such that the subscribers are able to get the services from the new cable operator within a maximum of five working days from the date of request for shifting.

4. Provisions relating to complaint handling and redressal in respect of cable services in CAS areas

4.1 All complaints given to a cable operator/ MSO in a CAS area should be registered and a serial number of the complaint given to the complainant. The complaints should be taken up for redressal preferably in chronological order of registration. Every cable operator / MSO, as the case may be, should ensure that the subscriber is made aware of the complaint handling procedure containing details as indicated in clause 3.2(ix)(f) of this regulation.

4.2 A cable operator or MSO, as the case may be, shall maintain records of all complaints filed by the subscriber with them. The records shall include name and address of complainant, date and time of filing complaint, type of complaint and redressal date and time with the written confirmation from the subscriber that the complaint has been redressed. The records shall be kept till the expiry of 3 months from the date of resolution of a complaint. The cable operator /MSO shall present the records whenever called upon by the Authority or the Authorized officer as defined under The Cable Television Network (Regulation) Act, 1995 (7 of 1995).

4.3 Each cable operator/MSO must maintain a customer service center or help desk 24 hours a day, 7 days a week. A facility for automatic recording of complaints or some other mechanism for registering of complaints shall be in place. It may be ensured that the staff at customer service center or help desk are qualified and competent enough to handle the requirements of service.

4.4 The following benchmarks shall be observed in regard to the redressal of complaints:

- i) All complaints shall be attended /responded within eight hours of receipt of complaint, except those received during the night which shall be attended to the next day and satisfaction report obtained from subscriber. Where it is not possible to attend /respond to the complaint within this time limit, the response should indicate the anticipated time for redressal of the complaint. If it is not feasible to comply with the benchmarks indicated hereafter for reasons beyond the control of the cable operator /MSO, the reasons for the same shall be communicated to the subscriber, while responding to the complaint.
- ii) At least 90% of "No Signal" calls received shall be corrected within 24 hours and a satisfaction report obtained from the subscriber
- iii) At least 90% of all other types of complaints shall be corrected within 48 hours and a satisfaction report obtained from the subscriber.
- iv) Subject to any specific provision in this regulation, a system of rebates in the form of discounts to the subscriber due to interruptions on account of no signal or weak signal or disruption of service, shall be put in place by the cable operator or MSO, as the case may be, and the subscriber should be made aware of the same.

4.5 A cable Operator/ MSO shall take all necessary steps like provision of back up power supply, to minimize the incidence of service interruption due to power failure.

4.6 In case signals have to be disrupted for facilitating preventive maintenance, the subscriber should be given a clear notice of atleast 3 days, if the disruption is likely to be for one day or less and the notice period shall be 15 days if the disruption is likely to be for more than a day. The cable operators / MSOs can choose their own method of providing prior notice of possible disruption.

4.7 All cable operators / MSOs shall ensure that its representative(s) carry proper identification along with a photograph and are polite in their behavior with the subscribers.

5. Billing Procedure and billing related complaints in respect of cable services in CAS areas

5.1 Subscribers in CAS areas shall generally be billed on monthly basis and the bill should indicate the Service Tax Registration Number, Entertainment Tax Registration number of the MSO or the cable operator, as the case may be, as applicable. The entries in the bills must be itemized to separately indicate price of individual pay channel(s) or bouquet(s) of pay channels and the names of channels in the bouquet, as applicable, charges for basic service tier and the channels comprised therein, charges for set top box, amount of each type of tax levied and the rate thereof. This clause, however, does not preclude a cable operator /MSO, from promoting different schemes of payment in which case the bills can be raised at such periodicity as per the scheme opted by the subscriber.

5.2 The subscribers shall ensure prompt payment of all bills within 7 days from the date of receipt of the bill. Any payment done after the expiry of 7 days shall attract simple interest @ 15% p.a on the amount of bill delayed. The interest for such delayed payment shall be calculated on a pro-rata basis for the number of days of delay. For each and every payment made by a subscriber, the cable operator/ MSO, as the case may be, shall issue a proper receipt.

5.3 The following procedure will normally be followed for raising of bills, delivery of bills and collection of payments thereof:

- i) In respect of subscriber opting to watch pay channels through a set top box, a single bill will be generated by the MSO, indicating the charges for pay channels as well as channels forming part of the basic service tier. The subscriber should be required to make only one payment.
- ii) In respect of subscribers who do not opt to watch pay channels through the set top box, the monthly bill shall be raised and the proceeds collected by the cable operator.

5.4 The billing system should be such that the following benchmarks are met:

- i) Complaints relating to billing shall be addressed within 7 days of notice from the subscriber.
- ii) Refunds must be issued within 30 days following the resolution of the complaint or before the next billing cycle whichever is earlier.

6. STB related issues and complaints in respect of cable services in CAS areas

6.1 In CAS areas the cable operator or the MSO, as the case may be shall:

- i) facilitate availability of information regarding the contact addresses, telephone numbers, contact persons where the Set Top Boxes which are compliant with the Bureau of Indian Standards (BIS) can be purchased or obtained on lease or on rent;
- ii) publicize the schemes available for purchase or lease of BIS compliant Set Top Boxes with their salient features under the various schemes. Any scheme prescribed by the Authority as regards pricing and /or renting of set top boxes shall also be publicized

iii) prescribe procedure to be followed for obtaining the BIS compliant set top boxes.

iv) make available a manual or pamphlet setting out instructions as far as possible in an easy to understand language by a non-technical person for operating the set top box. This can be supplemented by providing information through the in-house channel or by suitably running a scroll on the screen.

6.2 In cases where there is a malfunction of a set top box supplied, by a cable operator / MSO, the cable operator / MSO, shall arrange for repair or replacement, as the case may be, within 24 hours of receipt of the complaint of malfunctioning. This clause shall not apply to cases of complaints of malfunctioning where the set top box has been found tampered with by the subscriber

6.3 In cases where a customer chooses to return a set top box, the refund of security deposit, if any, shall be made within seven days as per the prescribed scale. This clause shall not apply to cases of return of set top box where it is found that the set top box returned has been tampered with by the subscriber. In such cases the cable operator /MSO shall inform the subscribers within 4 weeks about their decision in the matter.

6.4 Rebate for deficient service: In case the installation and activation of the set top box is delayed beyond two working days of the completion of all formalities required by the subscriber, the MSO/cable operator shall, in the monthly subscription give a rebate of Rs 15 per day for the first 5 days and Rs 10 per day for the subsequent period.

7. Change in positioning of channels/ Taking the channel off air in respect of cable services in CAS areas

7.1 In CAS areas change of positioning of TV channels comprised in the basic service tier by the MSO operating the Head End should not normally be done. In case of pressing technical reasons requiring changes of TV channel position, the subscriber shall be notified at least 3 days in advance of such occurrence. For the purpose of information to the subscribers, a scroll indicating the frequency in which a particular channel is placed shall be run at periodic intervals.

7.2 MSOs shall keep adequate records or have in place a system to generate information on the frequencies at which a channel was placed at different points of time and the number of times the frequencies of a channel has been shifted.

7.3 In no circumstances, unless it is beyond the control of the MSO, a channel positioned in a particular frequency shall be taken off the air without giving prior notice of at least three weeks along with the reasons for taking it off the air. This notice must be given to all subscribers through an advertisement in two local newspapers or by running a scroll in the relevant channel(s).

7.4 No cable operator shall disconnect for whatever reason a subscriber without giving written notice of at least 15 days, clearly indicating the specific reasons for disconnection. The period of 15 days for the purpose shall be reckoned from the date of receipt of the notice for disconnection by the subscriber.

8. Technical Standards

MSOs and cable operators shall match the technical standards set by the BIS for cable Television Networks.

9. Monitoring of performance of quality of service standards in respect of cable services in CAS areas

The Authority may, from time to time, issue directions, orders requiring service providers in CAS areas to furnish information in such form and at such intervals as may be required for the purpose of monitoring the performance of quality of service standards.

10. Public awareness campaign in CAS areas

Every MSO who has been given permission under sub rule 3 of rule 11 of Cable Television Networks (Second Amendment) Rules 2006 to provide cable service in CAS notified area, shall conduct a public awareness campaign about the salient features of the provisions contained in this regulation in CAS areas. The public awareness campaign shall start from a date as may be specified through a direction by the Authority.

11. Explanatory Memorandum

Annex to this Regulation contains an Explanatory Memorandum for making this regulation.

By Order
Rakesh Kacker
Advisor (B&CSI)
[ADVT III/IV/142/2006-Exty]