

By E-Mail/By Hand

To,

30th July, 2015

Mr. Wasi Ahmad

Advisor (B & CS)

Telecom Regulatory Authority of India

Mahanagar Doorsanchar Bhavan,

Jawahar Lal Nehru Marg,

New Delhi-110 002

Ref:- Consultation Paper on the Tariff issues related to Commercial Subscribers issued on 14th July 2015.

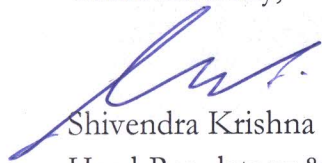
Dear Sir,

At the outset we would like to put our appreciation on record for bringing in this Consultation Paper regarding the Tariff issues for Commercial Subscribers, which will give all stakeholders an opportunity to express their concerns regarding the same. It is not a secret that this issue has been long pending resolution as it was and is subject to numerous rounds of litigation.

Please find enclosed Videocon d2h Limited response to the consultation paper.

Thanking You

Yours Sincerely,



Shivendra Krishna Singh

Head-Regulatory & Compliance

Videocon d2h Limited

(Formerly Bharat Business Channel Limited)

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CIN : U92100MH2002PLC137947

We would also like to offer our comments to the captioned Consultation Paper as follows:-

1. Is there a need to define and differentiate between domestic subscribers and commercial subscribers for provision of TV signals?

The Authority has defined four types of subscribers in the Telecommunication (Broadcasting and Cable Services) Interconnection (Eighth Amendment) Regulation, 2014 dated 18th July 2014. For the sake of better understanding of the issue we take leave of the Authority to reproduce all three definitions of commercial subscribers verbatim as follows:-

“Commercial subscriber” means any person who receives broadcasting services or cable services at a place indicated by him to a cable operator or multi system operator or direct to home operator or head end in the sky operator or Internet Protocol television service provider, as the case may be, and uses such services for the benefit of his clients, customers, members or any other class or group of persons having access to his commercial establishment.”

“Ordinary subscriber” means any subscriber who receives broadcasting services or cable services from multi system operator or cable operator or direct to home operator or Internet Protocol television service provider or head end in the sky operator, as the case may be, and uses the same for his domestic purposes”.

“Subscriber” means a person who receives broadcasting services or cable services from a multi system operator or cable operator or direct to home operator or Internet Protocol television service provider or head end in the sky operator at a place indicated by him to the multi system operator or cable operator or direct to home operator or Internet Protocol television service provider or head end in the sky operator, as the case may be, without further transmitting it to any person and includes ordinary subscribers and commercial subscribers, unless specifically excluded.”

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It is also important here to note that by the aforementioned Regulation the Authority has also done away with the second proviso to the regulation 13.2A.1 of the principal regulation, by which excluded the category of commercial subscribers comprising three star and above hotels and others. Thus, after 18th July 2014 regulation what basically remained is two category of subscribers one being ordinary and the other being commercial including commercial establishments and commercial subscribers.

In view of this, we contend that today there is no need to further define domestic (ordinary) subscriber and commercial subscriber and differentiate them. They already stand defined and differentiated. We would also like to state that multiple exercises on the same aspects of the industry unnecessarily complicates the understanding of the situation and also creates confusion in the minds of all stakeholders. We are of the view that the definitions as currently in vogue under the regulation dated 18th July 2014 are sufficient as of now and there is no need to redefine them.

2. In case such as classification of TV subscribers is needed, what should be the basis or criterion amongst either from those discussed above or otherwise? Please give detailed justification in support of your comments.

As stated above, it is not needed to define the ordinary and commercial subscribers as the Authority has already defined them under the regulation dated 18th July 2014. Consequently this question becomes redundant in this light.

3. Is there a need to review the existing tariff framework (both at wholesale and retail levels) to cater for commercial subscribers for TV services provided through addressable systems and non addressable systems?

We would state that there is no reason for any review in respect of the existing tariff framework both at wholesale and retail levels for commercial subscribers both in addressable and non addressable systems.

4. Is there a need to have a different tariff framework for commercial subscribers (both at wholesale and retail levels)? In case the answer to this question is in the positive, what should be the suggested tariff framework for commercial subscribers (both at wholesale and retail levels)? Please provide the rationale and justification with your reply.

Since our response to the preceding question is in the negative this question becomes redundant. It is ideal if we leave it for market forces to take appropriate course in this regard. Thus forbearance is the ideal remedy.

5. Is the present framework adequate to ensure transparency and accountability in the value chain to effectively minimize disputes and conflicts among stakeholders?

We are of the view that the present framework is adequate to ensure transparency and accountability in the value chain to minimize disputes and conflicts.

6. In case you perceive the present framework to be inadequate what should be the practical and implementable mechanism so as to ensure transparency and accountability in the value chain?

Since our response to the preceding question is in the negative this question does not warrant any response.

7. Is there a need to enable engagement of broadcasters in the determination of retail tariff for commercial subscribers on a case to case basis?

Since in our view forbearance needs to be exercised in respect of any kind of tariff related to commercial subscribers, either wholesale or retail, this question becomes redundant.

8. How can it be ensured that TV signal feed is not misused for commercial purposes wherein the signal has been provided for non-commercial purpose?

Generally, non commercial users of services do not indulge in providing commercial services and hence this issue does not deserve any consideration.

9. Any other suggestion which you feel is relevant in this matter. Please provide your comments with full justification.

Forbearance in respect to retail tariff is a must. Direct to Home services is not a necessary commodity of service but it is a luxury and resultantly the Authority should leave it for the market forces to determine the consideration for any given transaction for supply of signals.

As things stand today, all commercial establishments and commercial subscribers fall within the category of a subscriber along with the ordinary subscriber and as such there is no propriety now to once again open the Pandora's box and create ambiguities. We feel both categories of subscribers, commercial and ordinary, be treated alike.