

29.04.2019

To,

Advisor (B&CS)  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan,  
Jawahar Lal Nehru Marg,  
Old Minto Road,  
New Delhi - 110 002

Dear Sir,

**Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the Consultation on The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual**

At the outset, we would like to thank the Authority for giving us an opportunity to tender our views on the "The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual".

In regard to the present consultation process, we submit that we have perused the "Issues related to The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual" carefully. We hereby submit our comments attached as **Annexure**. The said comments are submitted without prejudice to our rights and contentions, including but not limited to our right to appeal and/ or any such legal recourse or remedy available under the law.

The same are for your kind perusal and consideration.

Yours Sincerely,

**For ABP News Network Pvt. Ltd.**



**Kishan Singh Rawat**

**Head - Administration and Regulatory Affairs**

**Encl: As above**



**Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the "The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual"**

---

**INTRODUCTION**

The crux of the broadcasting industry revolves around the distribution of the channels of a broadcaster. The broadcaster spends millions on producing content for a channel basis the choice of a consumer. The choice of a consumer is wholly derived through the far reach of the channels of a broadcaster through a distribution platform, who are the sole carriers of the content of the channels of a broadcaster to a consumer.

The revenues earned by a broadcaster is dependent on the distribution of its content per subscriber, further with compulsory offering of channels on a-la-carte basis and invoicing by a broadcaster basis the Subscriber Reports, it becomes paramount that a Distribution Platform Operator's (hereinafter referred to as the "DPO") addressable system meets the requirements specified in schedule III of the Regulations which ensures, the addressable system to be protected from instances of illegal retransmission, retransmission through un-encrypted mode and most importantly accounts the distribution of each channel per subscriber.

There have been numerous instances in the past leading to litigation on the account of manipulation of data and subscriber reports as were being provided by a DPO leading to huge loss to a broadcaster on account of under-declaration of subscribers and illegal retransmission of signals to its unaccounted subscribers.

Further the technical Audits that were previously being conducted by Auditors (not being an Auditor of a Broadcaster) was only limited to a mere simple tick off against the specification without ground verification, which was more to do so for the reason that the Auditor not being engaged in the day in and day out functions of the industry, absolutely having no concerns in terms of verifying the data provided to a particular Broadcaster by a DPO and thus accordingly without understanding the loop holes created by a DPO in its system, audits were being conducted



at a macro level, limited to check marking each technical specification basis the data that were being provided by a DPO which most often were manipulated data that an auditor was unaware off.

It was thus becoming difficult for Broadcasters to prove the illegality basis the Audit being conducted by an Audit Agency providing a report basis the macro audit conducted, ticking of compliance of the schedule III of the Regulations by a DPO. Further with the provision of mandatory provision of signals by a Broadcaster to a DPO on request coupled with a clean audit report being provided by an Audit Agency was a major backfire on a Broadcaster, wherein the Broadcaster with its hands tied was bound to provide signals to a DPO thus leading to severe revenue leakage for a Broadcaster.

Further, with the Interconnection Regulations, 2017 now limiting to conduct of an Audit to only once a year, it becomes essential, that a mutually agreed procedure and methodology by all stakeholders be put in place to also cover not only a technical audit but also a detailed methodology of conducting a commercial Audit keeping in mind the commercial interest of a Broadcaster.

Therefore, the initiation vide the present consultation paper to regulate the procedure and methodology of Audit being conducted may certainly act as a relief to the issues being faced at the time of Auditing a DPO's addressable system.

The suggestion accordingly is being provided in response to the questions as put forward by the Ld. Authority in the present Consultation paper.

### **RESPONSE TO ISSUES FOR CONSULTATION**

**Q1. Whether it should be mandatory for every DPO to notify the broadcasters (whose channels are being carried by the DPO) for every change made in the addressable system (CAS, SMS and other related system)?**

A. Yes, it should be mandatory for every DPO to notify the broadcasters whose channels are being carried by the DPO for every change made in the addressable system be it CAS, SMS and other related system, for the reason being that an Audit is essentially conducted for the reason to establish that the system configuration to meet the technical and commercial



requirements for distribution system, as the functioning of the system and generation of reports from the system is the crux of revenue. Therefore any minute change made in the system, may affect the technical and commercial requirements and therefore to ascertain such changes made to be in sync with the requirement, it should be mandatory for every DPO to notify the broadcasters whose channels are being carried by the DPO, further, in the event on such notification of change, the broadcaster feels the necessity to re-audit the system of the DPO post the changes made, it is mandatory for the broadcaster to re-audit for verification wherein re-audit cannot be obstructed. Further request to conduct Audit by a Broadcaster for the reason of change made in the addressable system, will be an exception to Regulation 15(2), wherein the cost of the Audit should be borne by the DPO.

It is suggested that any changes to be made in the addressable system by a DPO should be made post one year from the date of conducting the last Audit, to enable the Audit of the changes made to come within the ambit of a fresh Audit in the consecutive year.

**Q2. Whether the Laptop is to be necessarily provided by the Auditee DPO or the Audit Agency may also provide the Laptop? Please provide reasons for your comment.**

- A. It is suggested that the Laptop should be of the Audit Agency or of the Auditors, and the laptop should be formatted for every Audit. For the reason, that it would not firstly be feasible for a DPO to provide for a brand new laptop for every Audit, especially where the DPO is a small entity. Secondly, a laptop being provided by the DPO may also have a risk of the data tampering as recorded by the Auditor.

In the event the DPO fears Data being tampered in the above said scenario, the data as recorded by the Auditor, a copy of the same may also be provided to the DPO and a copy of Data pertaining only to the requesting Broadcaster may be provided to the said Broadcaster, to enable safeguard of Data recorded from being tampered, which can be verified in the event of a complaint.

**Q3. Whether the configuration of laptop vide Annexure 1 is suitable? If not, please provide alternate configuration with reasons thereof.**

- A. The configuration of laptop vide Annexure 1 can be suitable only for a small DPO, but however, with reference to conducting an Audit for bigger DPOs, the configuration as provided in Annexure 1 may not suffice. Further, the output from most of the CAS systems



may vary in format, therefore it would not be advisable to detail specifications in reference to the software and tools, as the requirement may vary basis the system of each operator. Further with constant software development and upgradation, it is not advised that a fixed configuration should be detailed in the Audit Manual in respect to the laptop/pc.

However, 15 days prior to conducting of an Audit, the DPO must provide its system specifications to the Auditor to enable the Auditor to accordingly arrange for the requisite softwares and configuration as would be needed for the Audit.

But the softwares and programmes should be certified to be original and not counterfeit.

**Q4. Do you agree with the provisions regarding seeking of TS recording and ground sample information from IBF/ NBA for verification/ checking by the Auditor?**

A. No. The provision of seeking of TS recording and ground sample should be from the concerned broadcaster.

**Q5. Do you agree that Data Dump may be cross- checked with weekly data of sample weeks basis? If yes, do you agree with checking of random 20% sample weeks? Please support your comments with justification and statistical information.**

A. Yes, Data Dump may be cross-checked with weekly data of sample weeks basis, it is further agreed upon the checking of random 20% sample weeks, for the reason, that the accountability being created would keep the DPOs in check. However, the concern that crops up in respect to collecting of weekly data of sample is the practical feasibility on the ground.

Therefore the time-line of collection of sample data should be left upon the discretion of the Broadcaster.

**Q6. Do you agree with the proposed Data extraction methodology? If not, suggest alternates with reasoning thereof.**

A. We agree with the Data extraction methodology, which is almost similar to what was already being practiced during Audits, despite which DPO's during the process were managing to manipulate Data's as were being provided. Further the Data Extraction should also be detailed per broadcaster wise for an effective commercial Audit, as the methodology

The block contains a handwritten signature in blue ink that reads "Singh". To the right of the signature is a circular blue ink stamp. The text within the stamp, starting from the top and moving clockwise, reads "ABN News Network Pvt. Ltd." with a small registered trademark symbol (®) at the bottom.

provided is more leaned towards the technical Audit, however in terms of commercial Audit, the methodology needs to be robust and airtight, during the data extraction, the data extracted should be arranged broadcaster wise coupled with the monthly subscriber reports as being submitted by the DPOs to the Broadcaster along with the sample data being collected on the ground level.

Further at the time of Audit, the entire dump of data should be extracted without filters, and if with filters it should be at the discretion of the Auditor. The DPO as well as the Auditor mandatorily should certify the reasoning out of the usage of filters (if any).

Further live data logs should mandatorily be extracted, and back up data extracted should be coupled with previous reports and reports submitted, in order to verify the authenticity. However the back- up data and reports certainly would have the possibility of manipulation, as was previously being found. Therefore, the verification process would need to be robust and airtight.

**Q7. Do you agree with verification and reporting of city-wise, state-wise and Head-end wise subscription report? Please provide supporting reasons/ information for your comment.**

A. Yes, we agree with the verification and reporting of city-wise, state-wise and Head-end wise subscription report, however, said report should also include broadcaster's channel wise package and al-a-carte while also verifying the reports with field samples collected.

**Q8. Do you agree with the tests and procedure provided for checking covert and overt fingerprinting? Provide your comments with reasons thereof?**

A. Yes, we agree with the tests and procedures provided for checking covert and overt fingerprinting, however at the time of Audit, the Auditor should obtain schedule of all broadcasters channels distributed by the DPO and not limited to some Broadcasters. Further the methodology needs to be more precise in respect to the tests and procedure, as the methodology prescribed is random. Further the black listed boxes should also be made part of the testing procedure.

**Q9. Any other suggestion/ comments on the provisions or methodology proposed in the Audit Manual**

*Singh*  


- A. The Audit manual detailing the provisions and methodology has in toto ignored the aspect being governed under the Quality of service Regulations, 2017 (QoS). It is important that emphasis also be laid in respect to the Audit process to note if the provisions of QoS are being strictly followed. It is important to cover the aspect as to the request made by a subscriber to either activate or deactivate a particular channel vide email, SMS or vide a call by a subscriber, whether such requests are being followed basis the timeline as detailed in the QoS, whether the DPO is maintaining a record of the complaints filed by the subscribers and if the said complaints are being resolved in a timely manner, whether the customer care centres as mandated under the QoS is being complied diligently and effectively.

We thus emphasis the inclusion of procedure and methodology in the Audit to cover the compliance as mandated for a DPO under the QoS, 2017.

The image shows a handwritten signature in blue ink, which appears to be 'Singh', written over a circular blue stamp. The stamp contains the text 'KBP News Network Pvt. Ltd.' around its perimeter.