

Fwd: Participate in TRAI Consultation Paper

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==== Forwarded message =====

From: <abskdigital@gmail.com>

To: "Deepak Sharma" <advbcs-2@traigov.in>, "Sapna Sharma" <jtadv-bcs@traigov.in>

Date: Fri, 06 Sep 2024 13:18:53 +0530

Subject: Participate in TRAI Consultation Paper

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Dear Sir,

M/s ABSK Digital Private Limited (DAS License No. 9/218/2015-DAS), having headend in Khadinan, Bagnan, and Howrah (W.B.), has been a responsible DPO and always adheres to the Regulations issued by Hon'ble TRAI for DAS. We always appreciate all the efforts put in by TRAI to safeguard the existence of the cable TV industry. We would also like to mention here that it is just because of TRAI, which refrains DPOs from broadcasters' monopolies. Despite being taken all the measures by TRAI, some broadcasters are still in practice of twisting the arm of DPOs under the guise of regulations so that their unjustified demands can be fulfilled. This shows their malafide intention towards the DPOs.

M/s ABSK Digital, with great disappointment, wants to express our views in respect of TRAI's audit manual and regulations for DAS that are mentioned below:

1. Small DPOs like ABSK are somehow managing to get the audit done for their DAS every year as mandated by TRAI from the empanelled auditing firm. The TRAI's intention behind this was to reduce the number of audits of different broadcasters that had been facing by the DPOs and bring transparency to the system, but under the guise of regulations and audit manuals, some broadcasters are using it as a tool to press hard the DPOs for their unjustified demands.

2. It is pertinent to mention here that it has become some broadcasters' practice to reject the DPOs' caused audit report outright without even going through it and demand a broadcaster-caused audit, citing clause 15(2) of TRAI regulations. The broadcaster never shared their comments on the audit report shared by the DPOs. Hence, this mentioned clause has become an arm-twisting tool for the broadcasters through which the unjustified demands can be fulfilled.

3. Further, it is seen that some broadcasters send their observations on the audit report submitted by the DPOs even after two years. TRAI must look into this by setting a time limit for the broadcasters to submit their comments and clarifications on the audit report submitted by the DPO.

4. It is pertinent to mention here that as per TRAI regulations, there are minimum specified DAS requirements that are required to be complied with by every DPO (Compliance Audit), but some DPOs could not meet these requirements fully because of

their legacy system. In most of the cases, these legacy systems are installed before coming into force of TRAI regulations and cannot be upgraded due to lack of vendor support or hardware support, resulting in non-compliance of the DAS. Broadcasters even don't analyse whether these non-available provisions have an impact on their revenue or not. For example, if some legacy system is not able to display scroll messaging but normal messaging is available, will it really have an impact on broadcasters' revenue or not? But broadcasters make it the basis for non-compliance with DPO's DAS. This example is one of those mandatory requirements that don't have any commercial implication on broadcaster revenue. TRAI must look into this.

5. There must be some benchmark set by the TRAI by giving small DPOs exemption to undergo the audit every year.

6. Broadcast cannot audit the system in any way. Only Trai Empanelled Auditor of the system audit will be done by the auditor, and that auditor will not be nominated by the broadcaster in any way. Today, a maximum of small MSO is being shut down as a result of auditing by broadcaster-designated auditors. Some broadcasters are under pressure to MSO sell their undemented channels to customers, if we do not agree to sell at that time those Broadcasters nominated auditors to audit our system and showed unjustified reasons forcing us to sell their channels.

When Broadcasters nominated auditor go to audit our system and downloaded all the relevant data from our system into pen drives and hard drives and left with them, After that Broadcasters nominated auditor analyse our data as per their wish and show 7-to-8-point discrepancy, but we don't know how to analyse data we reply to their audit report, but they forward the same report without any justification, after 10 to 15 days of mail reply, broadcaster send huge demand notice. After that we are forced to contract with that broadcaster.

Thanks & Regards,

Manoj Maity



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