



**Comments on the draft of the
Standards of Quality of Service
and Consumer Protection (Digital Addressable Systems)
Regulations, 2016**

BY

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Mr. Prof. M.Kasim,

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New Delhi.

Sub: Consultation Paper on Issues related to Quality of Services in Digital Addressable Systems and Consumer Protection

Dear Sir,

At the outset, we, at Asianet Satellite Communications Ltd, would like to congratulate TRAI on successful completion of 3 phases of cable digitalisation spanning the entire country and also the efforts put by the Authority to regulate the industry.

We welcome the consultation paper and the draft regulations on Quality of Services in Digital Addressable Systems which is a welcome move in consumer Protection.

While we have recommended a few changes to the draft regulations which takes care of consumer protection, we bring to your attention a few points which were not covered by the draft:

- 1) Digitalisation has been implemented spanning more than a decade by the MSOs with huge investments and several subsidies to subscribers with a long term view of the industry. However, Industry has seen several players (MSOs/ LCOs) swapping the STBs of MSOs without written concurrence of the subscriber nor returning the STBs.

It is recommended that :

- A) The LCOs shall replace the STBs only with a written concurrence of the subscriber and also with a call to the customer care from the registered mobile number of the subscriber confirming his interest to change the MSO
- B) LCO return the STBs to the previous MSO so that the investment and subsidy given by the MSO do not go waste due to unhealthy practices of players.
- C) While the authority has prescribed several tariff restrictions, the consumers by nature ask for several favours from the service providers at their door step-including door delivery of STB Remote controls, replacement of STBs, door step collection etc instead of subscriber visiting the office of the service provider. Authority may kindly allow extra charges for each visit to the customer address in order to meet additional expenses.

Please find below the recommendations on the changes proposed in the regulation which we hope will make the industry healthy for all stakeholders.

	<u>Draft Regulation clause</u>	<u>Recommended clause</u>	<u>Explanation</u>
	4(2): The distributor of TV channels or local cable operator, as the case may be, shall provide TV broadcasting services to the consumer only after obtaining completed Consumer Application Form and provide a copy of the said form to the consumer	4(2): The distributor of TV channels or local cable operator, as the case may be, shall provide TV broadcasting services to the consumer only after obtaining completed Consumer Application Form in hard copy or in electronic form and provide a copy of the said form to the consumer	
1)	4(6) It shall be open to a distributor of TV channels or local cable operator, as the case may be, to charge an amount not exceeding rupees three hundred and fifty as one time installation charge.	4(6) It shall be open to a distributor of TV channels or local cable operator, as the case may be, to charge an amount not exceeding rupees seven hundred and fifty as one time installation charge.	The drop cable length used may be short in metros /MDUs. But in smaller towns, the length is more and including labour cost Rs.750 will be justified
2)	4(7) It shall be open to a distributor of TV channels or local cable operator, as the case may be, to charge an amount not exceeding rupees one hundred as one time initial activation charge.	4(7) It shall be open to a distributor of TV channels or local cable operator, as the case may be, to charge an amount not exceeding rupees one hundred as one time initial activation charge. <u>Provided if the distributor of Tv channels is not providing the customer premises equipment on outright purchase scheme or rental scheme, but collecting it in the form of CPE activation fee, the same may be collected additionally as prescribed by the distributor of TV channels in lieu of outright sale price.</u>	Since several distributors import STBs on credit and the title of STB is with the vendor / financing company and not the distributor of TV channels ,the latter can not sell STB legally and hence collects it as activation fee in lieu of outright sale price.
	7(1) Every distributor of TV channels, upon request from a subscriber, shall deactivate the requested a-la-carte channel(s)	(1) Every distributor of TV channels, upon request from a subscriber, shall deactivate the requested a-la-carte	

	and bouquet(s) from the subscription of such subscriber within a period of seventy-two hours.	channel(s) and bouquet(s) from the subscription of such subscriber within a period of seventy-two hours and the subscriber forfeits the amount for balance period of subscription, if any.	
3)	<p>8(1) A distributor of TV channels shall not charge the subscriber for a-la-carte channel(s) or bouquet(s) offered by a broadcaster which become unavailable on its platform.</p> <p>(8(2)) No distributor of TV channels, on its own, shall substitute the dropped channel(s) from its platform with alternative channel(s) in lieu of the channel dropped.</p>	<p><u>8(2) If an a la carte channel(s) or bouquet(s) of TV channel carried by the distributor of TV channels is unavailable due to reasons pertaining to the broadcaster or not made available by the distributor of TV channels, such a channel(s) may be substituted by the distributor with a suitable channel(s) from the same genre without reducing the charges. If the subscriber objects to such a substitution, the distributor shall reduce the subscription by the a la carte channel price or prorata bouquet price as applicable.</u></p> <p><u>Provided if the channel discontinued is a Free to air channel from the basic tier or the 100 channels chosen by subscriber, no deduction will be allowed and the subscriber shall opt for another free to air channel.</u></p>	<p>Since distributor is providing services, it should be optional to distributor to substitute channels as a first step in case of unavailability of channels as he also has a responsibility to provide the service without blanking a channel. However, if the subscriber does not want the substituted channel, the subscriber choice shall be respected and deduction given.</p> <p>A free to air channel may be discontinued by the broadcaster or by distributor for reasons of low viewership and it is not viable for a distributor to dedicate resources and in such a case, subscriber may opt for a substitute FTA channel.</p>

	<p>10(1)Disruption of TV broadcasting services. — (1) In case signals of TV broadcasting services to a subscriber are continuously disrupted for a period exceeding 72 hours, the distributor of TV channels shall not charge such subscriber for the entire period of such disruption.</p>	<p>10(1)Disruption of TV broadcasting services. — (1) In case signals of TV broadcasting services to a subscriber are continuously disrupted for a period exceeding 72 hours, the distributor of TV channels shall not charge such subscriber for the entire period of such disruption and the such interruption period will be counted from the time the complaint is registered by the subscriber with the MSO</p>	
4)	<p>14 (4) Response time for Customer Care Centre:</p> <p>(i) Response time for calls made on Toll Free “Consumer Care Number” by the subscriber, shall be ;</p> <p>(a) Eighty percent of calls to be answered (voice to voice) by a person (other than by electronic means) within sixty seconds;</p> <p>(b) Ninety per cent of calls to be answered (voice to voice) by a person (other than by electronic means) within</p>	<p>14 (4) Response time for Customer Care Centre:</p> <p>(i) Response time for calls made on Toll Free “Consumer Care Number” by the subscriber, shall be ;</p> <p>a) Eighty percent of calls to be answered (voice to voice) by a person (other than by electronic means) within sixty seconds;</p> <p>(b) Ninety per cent</p>	

	<p>ninety seconds</p> <p>(ii) Response time to the subscriber for calls made on “Customer Care Number” by the subscriber, answered electronically;</p> <p>(a) Eighty percent of calls to be answered within twenty seconds electronically;</p> <p>(b) Ninety percent of calls to be answered within forty seconds electronically;</p> <p>Explanation. — For the purpose of calculating percentage of calls, referred to sub-regulation (1) and (2), the total number of calls made during a month shall be taken into account.</p>	<p>of calls to be answered (voice to voice) by a person (other than by electronic means) within ninety seconds</p> <p>(jj) Response time to the subscriber for calls made on “Customer Care Number” by the subscriber, answered electronically;</p> <p>(a) Eighty percent of calls to be answered within twenty seconds electronically;</p> <p>(b) Ninety percent of calls to be answered within forty seconds electronically;</p> <p><u>Provided there were no natural calamities or similar circumstances which led to steep surge in the calls, during the period of reporting.</u></p> <p>Explanation. — For the purpose of calculating percentage of calls, referred to sub-regulation (1) and (2), the total number of calls made during a month shall be taken into account.</p>	
5)	24(1) Delivery of Post-paid bills and payment .— (1) Every distributor of TV channels shall, either directly or through its	24(1)Delivery of Post-paid bills and payment .— (1) Every distributor of TV channels shall, either	Since the economy is going digital, cash less and environment friendly,

	<p>linked local cable operator, as the case may be, give to every post-paid subscriber the bill for charges due and payable by such subscriber for each billing cycle.</p> <p>Provided that a distributor of TV channels or local cable operator, as the case may be, shall deliver such bill to each subscriber by hand or post or email, as may be opted by the subscriber;</p>	<p>directly or through its linked local cable operator, as the case may be, give to every post-paid subscriber the bill for charges due and payable by such subscriber for each billing cycle.</p> <p>Provided that a distributor of TV channels or local cable operator, as the case may be, shall deliver such bill to each subscriber by hand or post or email, as may be opted by the subscriber;</p> <p><u>Provided extra charges for hand delivery or postal delivery can be collected by the distributor of TV channels</u></p>	<p>it is recommended to avoid paper bills and limit to email / SMS and payments through online.</p> <p>It may kindly be noted that the hand delivery / postal delivery will cost extra and should be allowed to be charged extra (like banks charge extra for monthly printed statement)</p> <p>(Similarly, Clause 24(4) may be modified wrt issue of manual receipt which will restrict the issue receipts by email or allow collection of extra payments for issue of printed receipts by hand or post)</p>
6)	<p>24(2) Every distributor of TV channels or local cable operator, as the case may be, shall provide at least fifteen days time, from the date of issue of the bill, to every post paid subscriber, for making payment of the bill:</p> <p>Provided that every distributor of TV channels shall provide online payment option in the subscriber management system for payment of bill by the subscriber.</p>	<p>24(2) Every distributor of TV channels or local cable operator, as the case may be, shall provide at least fifteen days time, from the date of issue of the bill, to every post paid subscriber, for making payment of the bill:</p> <p>Provided that every distributor of TV channels shall provide online payment option in the subscriber management</p>	<p>For post paid billing, to protect the service provider against bad debts, the Distributor of TV channels may be allowed to collect deposit from the subscriber to ensure that the payment for service provided is secure and does not get penalised for default of subscriber.</p>

	<p>Provided further that in case a subscriber fails to make payment of the bill by the due date, it shall be open to the distributor of TV channels or the local cable operator, as the case may be, to charge a simple interest at a rate of 2% higher than the base rate notified by State Bank of India from time to time on the amount payable by the subscriber for the period of such delay.</p>	<p>system for payment of bill by the subscriber.</p> <p>Provided further that in case a subscriber fails to make payment of the bill by the due date, it shall be open to the distributor of TV channels or the local cable operator, as the case may be, to charge a simple interest at a rate of 2% higher than the base rate notified by State Bank of India from time to time on the amount payable by the subscriber for the period of such delay.</p> <p><u>Provided further that</u> <u>Distributor is allowed to collect a refundable deposit upto 3 months of subscription from subscriber which shall be refunded after adjusting dues at the termination of the service.</u></p>	
7)	<p>26(7) Every distributor of TV channels providing direct to home services may charge an amount not exceeding rupees two hundred and fifty as visiting charge per registered</p>	<p>26(7) Every distributor of TV channels providing direct to home services may charge an amount not exceeding rupees two hundred and fifty as</p>	<p>This charge may please be allowed not only for DTH players but also for MSO/ LCOs also: a) as MSO/</p>

	<p>complaint requiring visit of a person to subscriber's premises for repair and maintenance:</p> <p>Provided that no visiting charges will be levied to the subscribers for any complaint relating to set top box.</p> <p>Provided further that such visiting charge shall not be debited from the pre-paid subscription account of the subscriber.</p> <p>Provided also that the receipt for payment shall be issued to the subscriber by the DTH operator for such charges.</p>	<p>visiting charge per registered complaint requiring visit of a person to subscriber's premises for repair and maintenance:</p> <p>Provided that no visiting charges will be levied to the subscribers for any complaint relating to set top box.</p> <p>Provided further that such visiting charge shall not be debited from the pre-paid subscription account of the subscriber.</p> <p>Provided also that the receipt for payment shall be issued to the subscriber by the DTH operator for such charges.</p>	<p>LCO incurs more network related costs including repair and maintenance costs (ROW, Electricity, network spares, labour, cable damage rectification etc) than DTH which needs to bear transponder costs alone for transmission.</p> <p>b) Since the purpose of regulation is to bring uniformity among all platforms, this charge of RS. 250 proposed for DTH should be extended to all platforms.</p>
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We once again thank the authority on this initiative of regulating the industry and request the authority to consider the above suggestions.

Yours Sincerely,

For Asianet Satellite Communications Ltd,

G.Sankaranarayana

President & COO.