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Cc: Chairman TRAI <cp@traigov.in>, Secretary TRAI <secretary@traigov.in>, "pradvbcs@traigov.in" <pradvbcs@traigov.in>

Date: Fri, 12 Sep 2014 14:29:19 +0530

Subject: Fwd: -Comments on consultation paper Dt:-28th Aug (Ammendments to QoS)forwarded to LCO's

Dt:11Sept.2014

To,
Mr.Sunil Kumar Sigal,
Advisor,(B &C S),
T R A I., Delhi

Sir,

At first we would thank you for the consultation paper on the above mentioned subject.

We would like to state that we ,the members of Malwa Cable Operator Sangh Indore (M.P.) have challenged the provisions of DAS under Article 226 of the Constitution of India challenging the viability,propriety and legality of the Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff (First Amendment) Order, 2012 (No. 3 of 2012) dated 30.04.2012 In the petition we have challenged Articles 14,16,19(1)(g) and 21 of the Constitution of India and the matter is subjudice.

There are various aspects,due to the aforesaid order,which have empowered the MSO'S, who in return are dominating the LCO'S. MSO'S are given adherent powers by which they will de-root the LCO'S from the cable operation profession of which they are the sole founders, establishers, nurturers and promoters since 1987, which is almost the inception period of cable transmission technology in India, is the only livelihood.The key of the business is being transferred to the MSOs and is inclined towards them as these MSOs are the

competitors of the LCOs and are also playing the role of grabbing the basic business of the LCOs.

The proposed amendments will become another tool at the hands of MSO to further exploit the LCO's. So until & unless all the disputes between LCO'S & MSO'S are not solved we object and oppose (without prejudice) any amendments like introduction of Pre-paid cards, levying of financial disincentives, etc. which are detrimental to LCO's.

At first following the issues of LCO'S should be solved;

1. **STB'S should be of universal mode.** The optimum standards directed by the B.I.S. or other authorities concerned are not being followed by the MSOs while providing the set top boxes.

2. A LCO friendly policy should be made because in the shield of CAF, the MSO'S are thereby mandating the LCO'S to share the subscribers base also with the MSO's making them more vulnerable to be kicked out in the competition by the MSO's who has been given **absolute powers by TRAI.** The LCO'S should be ensured that the subscribers should be consumers of the LCO'S.

3. The LCO's should be given a Justified Revenue sharing. At present the Revenue sharing between LCO'S and MSO'S stands highly discriminatory and prejudicial. The MSO's and the Broadcasters enjoy multiple advantages which already yields a heavy lot of returns as compared to the congested **networking of the local cable operators.**

4. The advantage of the carriage fee & advertisement revenues should also be given to LCO'S. At present it is inclined towards MSO'S and are fully concentrated in the grip of MSOs, whereas the network of the LCOs is being used and no share regarding the carriage fee and advertisement revenues are being provided to the LCOs.

5. LCO' are Owners of the networks but at present said provisions of the impugned order had bounded LCO to work under the MSO'S whereas

they are the main promoters of the profession. In the current scenario they are forced to act as the Revenue collecting Agents. At the same time they are also providing maintenance and services to the subscribers, so the entire monetary credits should be forwarded to LCO'S and not to the MSO's only.

6.As Digitalisation is in growing period it should be TAX FREE for Five years.Or there should be uniformity in the Taxes throughout the country.

7.The authority should establish local level & state level mechanism as it is extremely difficult, for the LCO's to travel all the way to Delhi to make representation.

So on behalf of the members of Malwa Cable Operator Sangh Indore (M.P.) we will request you that until & unless all cases filed in Honourable High courts throughout India are not solved and issues of LCO'S are not solved the proposed amendments should be postponed.

Thanking you

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