

From: "Rakesh Raushan" <Rakesh.Raushan@siti.esselgroup.com>
To: "Sanjeev Kumar Sharma" <advbbpa@traf.gov.in>
Cc: "SanjayKumar" <jtadv-bbpa@traf.gov.in>
Sent: Monday, April 10, 2023 5:29:40 PM
Subject: RE: SITI Networks response on Consultation Paper on Regulating Converged Digital Technologies and Services - Reg.

Dear Sir,

Kindly ignore our previous email & consider our comments as **Counter Comments** instead of submission of comments.

Best regards,
Rakesh Raushan
Manager – Regulatory & Compliance
Siti Network Limited
UG City, FC-19 & 20, Sector 16 A,
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From: Rakesh Raushan
Sent: Monday, April 10, 2023 4:59 PM
To: Sanjeev Kumar Sharma <advbbpa@traf.gov.in>
Cc: SanjayKumar <jtadv-bbpa@traf.gov.in>
Subject: SITI Networks response on Consultation Paper on Regulating Converged Digital Technologies and Services - Reg.

Dear Sir,

This is regarding TRAI's Consultation Paper on Regulating Converged Digital Technologies and Services. We were supposed to send our opinion on the questions asked in the consultation paper on or before the due date.

It is regretful that our CTO was not well and was not able to attend the office. Since it is an important consultation papers involving lot of technical areas hence it was prudent to provide technical input also.

Due to such unavoidable circumstances, we couldn't send our response within stipulated time on above mentioned Consultation Paper and are attaching our comments now on the same.

The delay is regretted and request the authority, kindly accept our submission, and take on record.

Best regards,
Rakesh Raushan
Manager – Regulatory & Compliance
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SITI NETWORKS LIMITED

COMMENTS
ON
TRAI's CONSULATION PAPER
ON
REGULATING CONVERGED DIGITAL
TECHNOLOGIES AND SERVICES – ENABLING
CONVERGENCE OF CARRIAGE OF
BROADCASTING AND TELECOMMUNICATION
SERVICES



Q1. Whether the present laws are adequate to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how?

OR

Whether the existing laws need to be amended to bring in synergies amongst different acts to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain with reasons and what amendments are required?

OR

Whether there is a need for having a comprehensive/converged legal framework (separate Comprehensive Code) to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, provide details of the suggested comprehensive code.

SITI response:

In our opinion, broadcasting and telecommunication industries are entirely different and both industries represent the different verticals, as broadcasting involves programming of content while telecommunication is concerned with voice and data services, therefore, convergence of carriage of broadcasting and telecommunication services is not required and rather complicate the situation. There can be no justification for combining the legal, licensing and administrative frameworks for the two sectors which will not serve any beneficial purpose rather may complicate the issues. Merely that two services can or are being delivered through common platform due to which the same cannot be interpreted or mean to be convergence of such services as both the services are completely different. Delivery through a common platform cannot be a criterion to cover them as converged services.

Convergence would rather be only a nomenclature as the functionality of the department would continue to remain the different. Also the convergence of license fee, registration of these services or providing a unified license may either complicate and make it more cumbersome rather would create a dispute and intricate the processes and policies. There would be surely different license fee, different policies, different departments who are expert in these areas hence the convergence would be just an eye wash.

Convergence would lead to eradication of small broadcasters and small distributors (DPOs) as they would be forced to compete with big players and would have to pay the heavy license fee and complicated process. MSOs are running into heavy losses due to various reasons including unregulated competition, free Dish, unregulated OTT & Digital services, and merging the

telecom players with MSOs would lead to forcing them to die on their death which would lead to monopoly of the telecom players. Instead of merging them a strict regulation to control the distribution of content through OTT & Digital distribution to be regulated as they are creating mess due to non-regulation.

It is reiterated that since the two services are categorically different, it would not be appropriate to compare the same and converge them, leading to a complex situation. The existing system in place is competent to handle the situation except further introduction of regulation on OTT, Free Dish and distribution of content through digital platform and regulation on predatory pricing and undisclosed deals.

We recommend that both the services should continue as per exiting laws and regulations and Broadcasting sector continue to be regulated by Ministry of Information & Broadcasting (MIB), rather all the services related to broadcasting such as OTT and digital services should be regulated by MIB as these services are not covered in the existing laws. In view of this, regulation for broadcasting and telecommunications should be separated as these two are entirely different.

Q2. Whether the present regime of separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues, are able to adequately handle convergence of carriage of broadcasting services and telecommunication services?

If yes, please explain how?

If no, what should be the suggested alternative licensing and administrative framework/architecture/establishment that facilitates the orderly growth of telecom and broadcasting sectors while handling challenges being posed by convergence? Please provide details.

SITI response:

Yes, the present regime of separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues is, able to adequately handle both broadcasting and telecommunication services. Therefore, there is no requirement for convergence of carriage of broadcasting services and telecommunication services.

As the today's license regime provides the freedom to choose the services which the DPO wants to provide and accordingly apply for that particular license. However, the integration or unified licensing would be a misnomer for ease of doing business but would be creating complications and may lead to monopolistic position.

In present regime, for providing these services an operator need separate licenses for each services from two different ministers such as Ministry of Information & Broadcasting (MIB) and Department of Telecom (DoT) and both the Ministry having expertise on the subject, sufficient guidelines and regulations for granting permission/license for these services.

However, the duplication of procedure be minimized. For example, a company is a registered MSO in Ministry of Information & Broadcasting (MIB) and the same company apply for ISP License in Department of Telecom (DoT) in such case DoT take separate Security clearance by MHA whereas MIB also grant MSO Registration only after the security clearance issued by MHA. In addition to this, technological evolution has led to overlapping functions such as IPTV services, the permission for which is granted by DoT as well as MIB.

Q3. How various institutional establishment dealing with –

- (a) Standardization, testing and certification.**
- (b) Training and Skilling.**
- (c) Research & Development; and**
- (d) Promotion of industries**

under different ministries can be synergized effectively to serve in the converged era. Please provide institution wise details along with justification.

SITI response:

There are multiple government approved agencies that are authorized for standardization, testing and certification and policy making.

Telecommunication Engineering Centre (TEC) is attached for Testing, Certification and Standardization process under Department of Telecom (DOT). TEC has formulated many standards Essential Requirements in the field of telecom & related ICT domain covering mobile, radio communication, satellite communication, fixed networks, switching, telecom security, transmission, IoT, smart network, ICT and broadcasting systems/ interfaces/ services etc. TEC tests and certifies various telecom products for conformance to standards, specifications, and its capability to inter-work/ inter-operate in the existing network.

Ministry of Electronic and Information Technology MeitY too has bodies namely Standardization, Testing and Quality Certification (STQC), Directorate and Controller of Certifying Authorities (CCA) which provides Testing, Calibration, IT & e-Governance, Training and Certification in the area of Electronics and IT through countrywide network of laboratories and centers.

The Bureau of Indian Standards (BIS) has been setup for the harmonious development of activities of standardization, marking and quality certification of goods, standardization include Digital Technologies (e.g., Industry 4.0, Artificial Intelligence, Block Chain etc.) besides Smart Cities, Alternate fuels, E-mobility, Medical Devices, New and Renewable energy⁶. Initially, the standards, testing, and certification oversight policies.

Various institutions have been setup by different ministries with an objective of promoting their sectors. These institutions for promoting startups, manufacturing, consultancy services etc., though envisaged to be sector-specific at the time of their establishment, now operate in blurred boundaries in an era of convergence. For promoting startup ecosystem, different ministries have different programs and establishments.

Ironically, in MeitY itself, there is another entity that has been entrusted with the work of promoting start-up ecosystem. A nodal entity called 'MeitY Start-up Hub' (MSH) has been set up under its aegis to facilitate MeitY's vision of promoting technology innovation, start-ups and creation of Intellectual Properties. MSH is envisaged to act as a national coordination, facilitation and monitoring center that will integrate all the incubation centers, startups and innovation related activities of MeitY. Under MeitY, a cohort-based Accelerator Programmes has also been initiated to bring-in seed investment, mentorship, industry connect and relevant components.

Under DoS, Indian Space Promotion and Authorization Centre (In-Space) is also working to promote start-up ecosystem. For taking up project and related consultancy works within India and abroad, there are organizations working under different ministries.

TCIL, a PSU under DoT was set up for providing Indian telecom expertise in all fields of telecom, Civil and IT to developing countries around the world. Similarly, BECIL, a PSU under MIB, provides project consultancy services and turnkey solutions encompassing the entire gamut of radio and television broadcast engineering viz, content production facilities, terrestrial transmission facilities, satellite and cable broadcasting facilities in India and abroad.

Telecom Equipment and Services Export Promotion Council (TEPC) has been set up by the Government of India to promote and develop export of Telecom Equipment and Services. Telecom Centers of Excellence India (TCOE India) have been set up in PPP mode under DoT, with the objective that the Government, the Academia, and the industry can work together for the sustained growth and progress of the country in the Telecom sector.

Several Centers for Excellence have also been established by MeitY. Domain specific Centers of Excellence (CoEs) are made operational with participation of

MeitY, STPI, State Governments, Industries and VCs⁹. It can be argued that in a converged era, mechanisms are needed to build synergies amongst all these sectoral institutes and bodies either by merger of some of the related institutes or by developing a collaborative approach on various interrelated issues so that the research and development of converged equipment and platforms do not suffer from myopic segmented approach.

Q4. What steps are required to be taken for establishing a unified policy framework and spectrum management regime for the carriage of broadcasting services and telecommunication services? Kindly provide details with justification.

SITI response:

In our opinion, there is no unified policy framework for spectrum management is required for the carriage of the broadcasting services and telecommunication services. Requirement for spectrum for the Broadcasting and Telecommunication services is entirely different as telecommunication use the terrestrial horizontal spectrum whereas the broadcasting services use the vertical spectrum.

In case of establishing a unified policy framework and spectrum management, large telecom companies may get benefitted by ruling the broadcasting services. Therefore, there is no need for unified policy framework for spectrum management.

Q5. Beyond restructuring of legal, licensing, and regulatory frameworks of carriage of broadcasting services and telecommunication services, whether other issues also need to be addressed for reaping the benefits of convergence holistically? What other issues would need addressing? Please provide full details with suggested changes, if any.

SITI response:

In our opinion, we see following are points to be considered for the betterment of industry which is highly CAPEX centered.

- Under the umbrella of approving agencies, the awarded unified licenses should have various categories to full-fill the needs of various services and varied businesses. For example, an MSO should be able to apply only for the required license to run that business, and not apply for the entire bouquet.

- The government should re-consider abolition of AGR which will help wired broadband industry to expand further and it will also help in the Government's initiative of Digital India.
- Government to promote the sharing of infrastructure laid by the Government/Govt. agency at subsidized rate. For example, it can be the fiber infrastructure laid across by agencies like BSNL, BBNL etc. also the monetization of various SWAN networks.
- MSO and Broadband business is a CAPEX intensive business and Govt should incentivize by creating a tax holiday period or subsidized loans for it to grow and expand in the country.
- STB Vendors should also be regulated
- OTT, Free Dish and distribution of content through digital mode must be regulated
- Regulation on undisclosed information and cost cutting be introduced and strictly be followed.

Based upon above we recommend that there is no requiring for convergence of carriage of broadcasting and telecommunication services therefore there is no need for a comprehensive, converged legal licensing and administrative framework to deal with convergence of broadcasting and telecommunication services

END