

22 November 2024

By Email and Hand

Telecom Regulatory Authority of India

World Trade Centre-Tower F

Nauroji Nagar

New Delhi – 110029

Subject: Response to TRAI's Consultation Paper on Regulatory framework for Ground-based Broadcasters

Kind Attn: Mr. Deepak Sharma, Advisor (B&CS)

Dear Sir,

We thank the TRAI for this opportunity to express our views on the above-captioned Consultation Paper.

Tata Play's response to the same is attached for your ready reference.

Yours faithfully,



Harit Nagpal

Managing Director and CEO

Enclosed: As above

Tata Play Ltd. (formerly known as Tata Sky Ltd.)

Registered Office: Unit 301 to 305, 3rd Floor, Windsor, Off C.S.T. Road, Kalina, Santacruz (East), Mumbai - 400098, India.

Tel.: +91-22-66133000, CIN: U92120MH2001PLC130365, E-mail: contact@tataplay.com, Website: www.tataplay.com

TATA PLAY'S COMMENTS DATED 22 NOVEMBER 2024 TO TRAI'S CONSULTATION PAPER ON 'REGULATORY FRAMEWORK FOR GROUND - BASED BROADCASTERS'

Q1. For the purpose of regulatory framework for ground-based broadcasters, do you agree with the draft definition for broadcaster, programme, Satellite-based broadcasting and Ground based broadcasting given below? If not, please suggest alternative definitions. Please elaborate your response with full justification.

“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is providing programming services;”

“programme” means any television broadcast and includes -

- i) exhibition of films, features, dramas, advertisement and serials;*
- ii) News & current affairs, Non-news & current affairs, educational content and*
- iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed accordingly;”*

“Satellite-based Broadcasting” means providing programming services using satellite-based communication medium for delivering channels to the distributors of television channels.”

“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels.”

Tata Play Comments:

- No comments.

Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.

Tata Play Comments:

- Yes, a distinction needs to be drawn between ground-based broadcasters (hereinafter referred to as ‘GBBs’) and the satellite-based broadcasters (hereinafter referred to as ‘SBBs’) based on the following three criteria:
 - a. **Means of transmission** – SBBs require satellite transmission, while the GBBs require terrestrial infrastructure.
 - b. **Reach** – SBBs can have a Pan- India presence while GBBs may have a smaller reach.
 - c. **Permissions required** – SBBs require MIB, DoS and WPC permissions. Also, they need to adhere to the TRAI Regulations and CTNR Act, 1995. For GBBs, except for usage of spectrum from DoS and WPC, all other regulatory requirements should be made applicable.

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Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.

Tata Play Comments:

- Yes, for GBBs, all terrestrial mediums - fibre, broadband and cloud, excluding satellite should be permitted.

Q4. Whether GBBs should be permitted/authorised to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBBs are considered, then should such State level GBB may be allowed to obtain separate permissions/ authorisations in more than one State or there may be some ceiling on number of State-wise permissions/authorisations beyond which national level permission/authorisation must be obtained?

Tata Play Comments:

- No comments.

Q5. An SBB pays a cumulative annual permission fee of Rs. 7 lakhs (Rs. 2 lakhs for uplinking + Rs. 5 lakhs for downlinking) per channel. Whether GBB should be mandated to pay the same amount of annual fee of Rs. 7 lakh per channel? If not, what should be the annual fee for GBBs? Please provide detailed justification for your response.

Tata Play Comments:

- DTH Operators are mandated to pay 8% AGR as License Fee annually (approximately coming to 300 crores) which is exorbitant. The SBBs only need to pay a meagre amount of Rs. 7 lakhs per channel.
- The imbalance is disproportionate, unfair, discriminatory and biased. We request the Authority to urgently address this issue of disparity within the industry.
- Moreover, the other DPOs while providing the same services are not obligated to pay any License Fee.
- Therefore, we once again earnestly request the Authorities to do away with the License Fee for DTH only or make it applicable to all Service Providers (DPOs, OTT Platforms and Broadcasters – SBBs and GBBs).

Q6. Provisions for teleport/teleport hub exists in the uplinking/ downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.

Tata Play Comments:

- No comments.

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Q7. If a GBB is permitted to operate at State level, then what should the regulatory provisions for a GBB operating at State level which include: a) Processing Fee b) Annual Fee c) Net worth Requirement d) Performance Bank Guarantee (PBG) e) Other regulatory provisions.

Tata Play Comments:

- The regulatory provisions for GBBs should be at par with that for SBBs.

Q8. Whether the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation may be applied mutatis mutandis to GBB? Please explicitly indicate, if any modifications are required in the said Tariff Order, Interconnection Regulation or Quality of service Regulation for GBBs.

Tata Play Comments:

- Yes, the extant provisions of the Tariff Order, Interconnection Regulation and Quality of Service Regulation along with the Cable Television Network (Regulations), 1995 should be made applicable to GBBs.
- Also, to the extent possible, the clauses under the Uplinking and Downlinking guidelines should be made applicable on the GBBs. There should a bar that the content being provided to DPOs should not be directly provided to subscribers through OTT or other mediums.

Q9. (a) The extant interconnection regulation provides for “Must Carry” and “Must Provide” regime. In case of GBB, whether the same regime should be made applicable? (b) Normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the ‘Must carry’ provision is exercised by the broadcaster, therefore they should bear the cost of bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the ‘Must provide’ provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved. Do you agree with the above approach? If not, who should bear the cost in both the cases? Please provide detailed justification for your response.

Tata Play Comments:

- Yes, the ‘Must carry’ and ‘Must provide’ clauses should be made applicable in case of GBBs as well.
- Also, we agree with the above-provided understanding that normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the ‘Must carry’ provision is exercised by the broadcaster, therefore they should bear the cost of bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the ‘Must provide’ provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved.

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Q10. In case a SBB wishes to switch to terrestrial-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

Q11. In case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

Q12. In case a broadcaster (SBB/GBB) wishes to use both satellite and terrestrial transmission technology to provide their channels to the DPOs, what should be the regulatory provisions for such broadcaster(s)? Should they require separate permissions and pay additional annual permission fees, processing fees, etc. for the above scenarios? Please provide detailed justification for your response.

Tata Play Comments:

- The regulatory framework for broadcasters delivering channels through satellite (SBBs) or through terrestrial (GBBs) should be the same except for compliances relating to usage of spectrum from DoS and WPC. All other regulatory requirements including compliance with TRAI Regulations, should be made applicable.

Q13. What should be the Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’? Please provide detailed justification for your response.

Q14. Whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing uplinking/downlinking guidelines 2022, then please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters.

The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground based broadcasters.

Tata Play Comments:

- No comments.

Q15. Stakeholders may also like to provide their comments on any other issue relevant to the present consultation along with justification.

Tata Play Comments:

- No comments.

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