

TRAI Consultation Paper On
“Ease of Doing Business in Broadcasting Sector”

Summary of Issues for Consultation
Comments by Broadcast Engineering Society (India)
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Q1. Is there a need for simplification of policy framework to boost growth of satellite TV industry? If yes, what changes do you suggest in present policy framework relating to satellite TV channels and why? Give your comments with justification?

Ans1. With the current procedures prescribed and adopted for permitting TV Channels uplinking & downlinking form India, more than 1087 channels permitted till 31.07.2017, there is hardly any need for simplification of policy framework for boosting the growth of satellite TV industry. It is more important to see how many of the permitted channels are operational and can sustain. The basic issue is of sustainability. Moreover, MIB has cancelled at least 197 permissions as they could operationalize their channels within the due date or violated the guidelines. We are unable to ascertain how many channels out of 1087-197=890 permitted are operational as on date. The number of applications for fresh licenses is reducing year by year as people find it more difficult to sustain the operations. Therefore, the sustainability issue needs to be addressed.

Q2. Is there a need in present policy framework relating to seeking permission for making changes in the name, logo, language, format, etc. related to an operational satellite TV channel? If so, what changes do you suggest and why? Give your comments with justification?

Ans2. The present policy is silent on the issue of change in the name, logo, language, format, etc. related to an operational satellite TV channel. Initially, the name, logo, language and format, etc. are permitted as per the application. However, any subsequent change is allowed on case to case basis thereby resulting in undue delays. There is no criteria or policy framework for granting change in above parameters. Quite often the Ministry is of the view that any change in name and logo/language is required whenever there is trading of a channel. Although trading of channels is not permitted as per the extant guidelines and should be discouraged, yet such trading is observed whenever a company changes the name and logo of its channel frequently.

We, therefore, suggest that a policy framework needs to be devised to carry out such changes with following prerequisites:

- The channel should be operational at the time of application for the change in name/logo/language etc.**
- The name & Logo should be registered in the company's name. This will avoid any future litigation in case of duplicity of name/logo etc.**
- The company should furnish a certificate that there is no change in share holding pattern of the company. This will ensure that no trading of channel is being carried out.**
- A fee of Rs. 50,000/- should be levied for effecting any change. This will help in discouraging the companies to seek frequent changes.**

Q3. Do you agree with some of the stakeholders comment at pre-consultation stage that Annual Renewal process of TV channels needs simplification? Give your comments with justification?

Ans3. Yes. The Annual Renewal process of TV channels should be made on-line. Since the Government is already encouraging payments

through Bharatkosh, the annual renewal fee can be paid on line and automatic renewal could be granted.

Q4. Do you agree with stakeholders' comments that coordination with multiple agencies/ Government departments related to starting and operating of a TV channel can be simplified? If so, what should be the mechanism and framework for such single window system? Give your comments with justification?

Ans4. In the extant guidelines, the process is single window only as the applicant has to furnish the seven copies of the application to MIB which in turn forwards it to various Ministries for seeking regulatory clearances. However, the process can be made on line to avoid delays and submission of the applications to all the Administrative Ministries in one go to curtail delays in forwarding of the same by MIB. Besides, one signed original copy of the application may be submitted to MIB for legal purposes/matters.

Q5. Is present framework of seeking permission for temporary uplinking of live coverage of events of national importance including sports events is complicated and restrictive? If yes, what changes do you suggest and why? Give your suggestions with justification.

Ans5. Although stakeholders claim the procedure for temporary uplinking of live coverage of events of national importance including sports events is complicated and restrictive, it has been observed in several instances when the Ministry has granted these permissions on the same working day or in some cases within hours. These temporary permissions are essential to keep a check on the telecast of objectionable material which may disturb the harmony and peace or cause social unrest in the society as TV has a wide reach. As far the administrative delays in processing the temporary uplinking permissions are concerned, it can be curtailed by giving such applications top priority.

However, seeking clearance from WPC and NOCC can be done

away with, as DSNG/SNG vans operate on the already permitted bandwidth and satellite.

Q6. Do you feel the need to simplify policy framework for seeking permission/license for starting and running of following services–

(iii) Teleport services

(iv) DTH service

If yes, what changes do you suggest so that process of grant of permission/license can be simplified and expedited? Give your comments with justification.

Ans6. The extant guidelines are already conducive to business module for setting up a teleport in India. While modifying the uplinking guidelines in 2011, it was envisaged in the policy to make India a Teleport hub in the South Asia like Singapore. However, due to paucity of new Indian Satellites and consecutive failure of already working Indian satellites in the last few years, there has been a bandwidth crunch. The foreign satellites offer band width on higher prices. In addition to this there are fees imposed by Antrix, WPC & NOCC which adds to the already higher band width prices charged by foreign satellites. Although big teleport operators are still able to survive as they have more number of TV channels on their platform, the smaller one's face difficulties in sustaining. Under the circumstances we need to have more Indian satellites to cater to the needs of TV channels in India as well as in Indian Sub-Continent.

In order to avoid undue delay in grant of permissions for Teleports/DTH etc. it is advisable to adopt similar procedure as in case of TV channels i.e. the process can be made on line to avoid delays and submission of the applications to all the Administrative Ministries in one go to curtail delays in forwarding of the same by MIB. Besides, one signed original copy of the application may be submitted to MIB for legal purposes/matters.

Q7. As per your understanding, why open sky policy for Ku band has not been adopted when it is permitted for 'C' band? What changes do you suggest to simplify hiring of Ku band transponders for provision of DTH/HITS services? Give your comments with justification.

Ans7. Keeping in view the growing number of TV channels and their carriage on various platforms, it has become inevitable for the Govt. to go for an Open Sky Policy for Ku Band. With technological advancement and growth of HD channels, as well as experimental 4K services, the Government needs to take a call for opening up the Ku band to DTH operators. Here also the Govt. has to follow a proactive policy for launch of more & more Indian satellites to increase the availability of Ku and C band transponders in order to keep pace with the demand.

The extant policy of the extant policy of DoS doesn't permit DTH operators to acquire Ku band transponders directly from the satellite owners as in the case of C-band capacity. At present Antrix, a Public Service Undertaking of DoS, would acquire and allocate necessary Ku band transponder capacity from foreign satellites to meet the requirements of DTH operators. Antrix in turn would enter into back to back agreements with the foreign satellite owners for shorter periods. Thus the involvement of multiple agencies like DOS, Antrix and ISRO results in undue delays and hampers the business plan of the stakeholders. Therefore, a single window mechanism is required to be evolved.

Q8. What are the operational issues and bottlenecks in the current policy framework related to –

(iii) Teleport services

(iv) DTH service

How these issues can be simplified and expedited? Give your comments with justification.

Ans8. The non-availability of transponders is the biggest issue and bottleneck for both Teleport and DTH service providers in addition to difficulties faced in hiring of transponder capacity on foreign satellites which affects the overall business environment. The hiring process is coordinated and executed by ISRO on behalf of the operators and the DTH operators thereafter have to enter into agreement with the foreign transponder providers at the price and terms & conditions worked out by ISRO. Thereafter the operators have to seek clearance from MIB, WPC, NOCC and other agencies before starting use of the hired capacity. The permissions often get delayed and the operators end up paying towards the transponder costs from the date of execution of their agreement putting them into disadvantage.

It is suggested that the clearances from various Ministries/Departments should be in a time bound manner so that the operators do not suffer huge financial losses.

Q9. What are the specific issues affecting ease of doing business in cable TV sector? What modifications are required to be made in the extant framework to address these issues? Give your comments with justification.

Q10. Is there a need to increase validity of LCO registration from one year? In your view, what should be the validity of LCO registration? Give your comments with justification.

Q11. What are the issues in the extant policy guidelines that are affecting the ease of doing business in FM sector? What changes and modifications are required to address these issues? Give your comments with justification.

Ans11. Although FM sector's progress has been satisfactory yet it suffers due to administrative delays in seeking clearances from WPC for Frequency Allocation and SACFA clearance etc. Applications for both are made on-line, however, hard copies are still required to be submitted. The proposals for frequency assignments are moved on file from one officer to the other thus defeating the very purpose of filing on line application. Therefore, processing of applications also needs to be done on-line for ease of doing business.

Q12. Is there a need to streamline the process of assignment of frequency by WPC and clearances from NOCC to enhance ease of doing business? What changes do you suggest and why?

Ans12. Yes. The process of frequency assignment needs a radical change with more accountability at each level. The whole process needs to be done in a time-bound manner and the administrative delays are required to be drastically cut down. Right from submission of application to the grant of permission for frequency assignment (Decision Letter), the process needs to be restricted within a maximum period of three weeks. All the concerned administrative levels/officers must make it a point to clear the file within a day after submission of proposal by the base officer.

The process of SACFA clearance also requires to be streamlined. At present, there are two methods for granting SACFA clearance. One is based on additional antenna category and another is full siting category. In case additional antenna category, the SACFA clearance takes place within a fortnight. However, in case of full siting category, there is no time limit. Quite often, it may take years to get clearance. Therefore, it is essential to take up the matter with SACFA authorities for simplification of the process with maximum limit to grant SACFA clearance under full siting category restricted to six weeks.

Q13. What are the reasons for delay for allocation of frequencies by

WPC? What changes do you suggest to streamline the process?
Give your comments with justification.

Ans13. The basic reason for delay in allocation of frequencies by WPC is the movement of files at various levels and sections. It is worth mentioning here that in case of FM stations taken by Private operators through bidding process carried out by MIB, the frequencies at a place are pre-selected/identified in consultation with WPC. Therefore, the process of allocation of the same frequencies by WPC, appears to be futile and gross wastage of human resources and time. As such, it needs to be emphasized on MIB & WPC that after issue of Letter of Intent by Ministry, WPC should also raise the demand for payment of necessary spectrum charges for issue of Decision Letter to grant Frequency Allocation. This will reduce the unnecessary time spent in making on-line application to WPC for Frequency allocation and repeating the same process.

Similarly, for SACFA clearance also, where the private FM operator is to share the Common Transmission Infrastructure (CTI), which off course is mandatory to be share, seeking a fresh SACFA clearance by the Pvt. FM operator should be done away with as the CTI is already SACFA cleared. Hence there is hardly any need to repeat the same process of seeking fresh SACFA clearance for each operator.

At other places, where there is no CTI and the Pvt. FM operator is required to set up its own transmission infrastructure, and the SACFA clearance is to be obtained under Full siting category, the lead time should be considerably reduced to six weeks as already emphasized in pre-paras.

Q14. What are the key issues affecting the indigenous manufacturing of various broadcasting equipments and systems. How these issues can be addressed?

Ans14. Almost all major equipments needed for TV and FM Studios and Transmission/Satellite uplinking are being imported. The

Indian Companies however provide after sales maintenance support for such equipments. A detailed study need to be undertaken on the demand pattern and whether the same could be manufactured/assembled in India in a cost effective manner without sacrificing the technical specifications/quality.

Q15. Is there any other issue which will be relevant to ease of doing business in broadcasting sector? Give your suggestions with justification.

Ans15. None

Q16. Are there any issues in conducting trial projects to assess suitability of a new technology in broadcasting sector? Give your comments with justification.

Ans16. Prasar Bharati normally does trial projects relating to new transmission technologies. However a scheme could be evolved to carry out any trial projects with Private- Public partnerships.

Q17. What should the policy framework and process for consideration and approval of such trial projects?

Ans17. A joint committee of Private broadcasters (IBF and AROI) and Prasar Bharati could work out the framework.

Q18. Stakeholders may also provide their comments with justification on any other issue relevant to the present consultation paper.

Ans18. None

