



भारतीय दूरसंचार विनियामक प्राधिकरण

महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,
(Old Minto Road), New Delhi-110002

Dated 29th July, 2009 Fax: 91-11-23213294

Subject: Direction to broadcasters under section 13 of the TRAI Act, 1997 regarding compliance of amended procedure for filing of details of interconnect agreements.

No.6-6/2009-B&CS. ----- Whereas in exercise of the powers vested in it under section 36 read with sub-clauses (iv), (vii) and (viii) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the 'Act'), the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority") has made the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), [hereinafter referred to as the principal regulations] published in the Gazette of India, Extraordinary, Part-III, Section 4, as No.197, dated the 31st December, 2004;

2. And whereas the principal regulations have been amended, *inter alia*, by the Register of Interconnect Agreements (Broadcasting and Cable Services) (Second Amendment) Regulation, 2005 (12 of 2005) dated 2nd December, 2005 whereby regulations 5 and 6 of the principal regulations, which specify the manner in which the information relating to the interconnect agreements is required to be furnished to the Authority by the broadcasters, were amended with a view to enabling the Authority to specify the procedure in regard to the manner of filing of data or information, the form or formats of filing, the number of copies to be filed and such other procedural issues connected to the filing of details of interconnect agreements through a simplified process;

3. And whereas, pursuant to the said amendment of the principal regulations enabling the Authority to specify the procedure in regard to the manner of filing of data or information, etc. as referred to in the preceding paragraph, the Authority had, in exercise of the powers vested in it under section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) for the discharge of functions under clause (b) of sub-section (1) of section 11 of the said Act, read with the Register of Interconnect Agreements (Broadcasting and Cable Services) (Second Amendment) Regulation, 2005 (12 of 2005), issued the Direction No.6-20/2005-B&CS dated the 21st December, 2005 to all the broadcasters specifying the following procedure for filing the details of interconnection agreements due for the quarter ending 31st December, 2005 and onwards, namely:-

"(i) The Broadcasters shall furnish by 30th April every year part A and part B containing details of interconnect agreements as updated up to 31st March of that

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year in print form with every page duly authenticated by an authorised representative.

- (ii) A copy of the data furnished in print form indicated in (i) above will also be filed in electronic form through a non-writable CD duly signed by an authorised representative, giving part A in Microsoft Word format and part B in Microsoft Excel format.
- (iii) The data as furnished above would be updated and filed every quarter (i.e.) for the quarter ending June 30th by July 31st; for the quarter ending September 30th by October 31st; and for the quarter ending 31st December by 31st January. This subsequent quarterly filing shall be only in electronic form through a CD duly signed by an authorised representative and no print copy would be required.”;

4. And whereas, the Authority noted that although the process of signing of interconnection agreements continues throughout the year on account of agreements with new distributors of TV channels, launch of new channels and bouquets of channels, amendments in terms and conditions of existing agreements, etc, but the industry practice is largely to sign Interconnection Agreements on annual basis, mainly for a calendar year or for the financial year and in case of DTH, this duration is five years or even longer ;

5. And whereas the Authority, after discussing the issue of periodicity of filing of interconnection agreements with all the stakeholders, decided that the filing of the interconnection agreements should be on annual basis and has accordingly amended the principal regulations vide the Register of Interconnect Agreements (Broadcasting and Cable Services) (Fourth Amendment) Regulation, 2009 (5 of 2009) dated the 18th March, 2009, published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 18th March, 2009, providing for the reporting of interconnection agreements annually, on or before the 31st July of each year, covering the period from 1st July of the previous year to 30th June of that year;

6. And whereas clause (a) of regulation 6 of the principal regulations as amended by the Register of Interconnect Agreements (Broadcasting and Cable Services) (Fourth Amendment) Regulation, 2009 (5 of 2009) provides that while filing the interconnection agreements, the broadcasters shall furnish ---

(a) a certificate to the effect that the provisions of sub-regulation 4A.4 of regulation 4A of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation 2004 (13 of 2004) have been complied with in respect of all interconnect agreements included in Part B; and

(b) a certificate to the effect that all the interconnect agreements or the modifications or amendments to the interconnect agreements, as the case may be, included in Part B, are compliant with all regulations, Orders and Directions made or issued by the Authority under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and that they do not contravene the provisions contained in any such regulation, Order or Direction;

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7. And whereas, having regard to the amendments made to the principal regulations as referred to in paragraphs 5 and 6 above, the procedure prescribed by the Authority vide its Direction dated the 21st December, 2005 as referred to in paragraph 3 above requires changes and accordingly it has become necessary to lay down a revised procedure for filing of interconnection agreements by the broadcasters;

8. And whereas it has been observed by the Authority that in several cases the service providers do not, in their filings of interconnection agreements, furnish ---

- (a) complete addresses including details of State, District and telephone number of the contracting parties;
- (b) clear details of the service areas covered in the agreements; and
- (c) details of subscriber base on a monthly basis in their filings relating to addressable systems like CAS cable, DTH, IPTV and HITS;

9. Now, therefore, in exercise of the powers vested in it under section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), as amended from time to time, for the discharge of functions under clause (b) of sub-section (1) of section 11 of the said Act, and in partial modification of its earlier Direction No.6-20/2005-B&CS dated the 21st December, 2005, save and except things done or omitted to be done under the said Direction before such modification, the Authority hereby directs that, for the year ending 30th June, 2009 and onwards, all the broadcasters shall follow the following procedure for filing the details of interconnection agreements with the Authority, namely:-

(a) annual reporting shall be done by 31st July of each year in Part A and Part B, containing details of interconnect agreements as updated upto the 30th of June of that year in print form with every page duly authenticated by an authorised representative of the broadcaster;

(b) the two certificates to be included in Part A, as required under sub-clauses (i) and (ii) of clause (a) of regulation 6 of the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004) as amended by the Register of Interconnect Agreements (Broadcasting and Cable Services) (Fourth Amendment) Regulation, 2009 (5 of 2009) shall also be duly signed by the authorised representative of the broadcaster.

(c) information in respect of Part B shall be furnished on separate sheets for each distribution platform, i.e., separately for non-CAS cable television, CAS cable television, DTH, IPTV and HITS, and shall contain ----

(i) complete addresses of the contracting parties with details of the State, District and also telephone numbers of the parties where available, in separate sub-columns;

(ii) complete details of the service areas covered under the agreement with details of State(s), District(s), Tehsil(s) or area(s), as the case may be; and


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(iii) in respect of addressable platforms like CAS cable, DTH, IPTV and HITS, the actual subscriber base for each month during the year for each individual channel and bouquet or bouquets of channels, as the case may be; and

(d) a copy each of the data furnished in print form as referred to in sub-paragraphs (a), (b) and (c) above shall also be filed in electronic form through a non-writable CD, duly signed by an authorised representative of the broadcaster, giving Part A in Microsoft Word format and Part B in Microsoft Excel format.

Parameswaran N
29/7/09

(N. Parameswaran)
Principal Advisor (B&CS)

All broadcasters