

17th June, 2016

Consultation on Issues related to Quality of Services in Digital Addressable Systems and Consumer Protection

In response to TRAI's consultation paper on 'Issues related to Quality of Services in Digital Addressable Systems and Consumer Protection', dated 18th May, 2016, our comments are stated herein under.

You may kindly note that below comments are without prejudice to our rights and contentions, including in any ongoing or future litigations and we reserve our rights to modify, change and submission of further comments or counter comments to clarify our position on the issues under this consultation paper.

Q 1. What should be broad contours for QoS Regulatory framework for digital addressable systems? Please furnish your comments with justification.

Answer: No comments

Q 2. Should there be a uniform regulatory framework for Quality of service and Consumer protection across all digital addressable Platforms? Please provide your comments with justification.

Answer: No comments

Q 3. Should timelines relating to various activities to get new connect be left to the DPOs to be transparently declared to the subscribers? If so, how the interest of the subscriber can be protected if the connection is not provided in given time frame?

Answer: No comments

Q 4. What should be the time limits for various activities, as mentioned below, to get new connection? Please provide your comments with justification.

(c) Response time for processing new service request and conveying feasibility of providing connection at the desired location

(d) Time line for completion of CAF, installation and activation of service

Answer: We suggest that TRAI may prescribe reasonable time lines for various activities.

Q 5. Should minimum essential information to be included in the CAF be mandated through regulations to maintain basic uniformity? Give your suggestions with justification.

Answer: No comments

17th June, 2016

Q 6. Should minimum font size need to be specified for CAF? If not, how can it be ensured that important information provided in CAF is given in such a manner that consumer can read them easily?

Answer: No comments

Q 7. Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification.

Answer: No comments

Q 8. Should the minimum essential information to be included in the MoP be mandated through regulations to maintain basic uniformity and to ensure that consumers get all relevant information about the services being subscribed?

Answer: No comments

Q 9. What should be the minimum information to be included in MOP Give details with justification?

Answer: No comments

Q 10. Should it be necessary to provide printed copy of MOP to all the customers at the time of subscription to the service? If not, how it can be ensured that all required information is available to subscribers when required?

Answer: No comments

Q 11. Should there be an initial subscription period while providing a new connection to protect the interest of both the subscriber as well as DPOs?

Answer: No comments

Q 12. If so, what should be the duration of such initial subscription period?

Q 13. What protections should be provided to subscribers and DPOs during initial subscription period? Give details with justification?

Answer: No comments

Q 14. What should be the framework for compensation to the subscriber for dropping of a channel due to its non-availability on the DPOs' platform?

Answer: Subscribers should be duly compensated is a channel is dropped by the DPO without prior intimation to the subscriber. TRAI should mandate that the

17th June, 2016

DPOs shall publish a public notice by way of an On Screen Display in the TRAI prescribed format in case a channel is to be discontinued by the DPOs, as the newspaper notices often go unnoticed.

It may be noted that often the DPOs replace a channel with another channel without seeking express consent of the subscribers, such practices should be curbed by introducing strict regulatory framework and a TRAI monitored complaint redressal mechanism for the subscribers. Provision for fine and monetary compensation by the DPO to the subscriber should be made by TRAI in this regard.

Q 15. How should the reduction in subscription charges be calculated in case of discontinuation of channel from DPOs platform? Please provide your comments along with justification.

Answer: In case the DPO discontinues a channel without prior intimation or substitutes a channel without express consent of the subscriber, in addition to a fine as may be prescribed by TRAI, DPOs should be liable to compensate the subscribers with reduction in subscription fee to the tune of a-la-carte rate of the channel discontinued/ substituted without express consent.

Q 16. What should the maximum permissible time of disruption beyond which subscriber must be compensated in following cases?

(a) Disruption due to technical fault on the DPO network or at the subscriber's end

(b) Disruption due to technical fault of CPE at the subscriber's end

Answer: We suggest that TRAI may prescribe maximum permissible time for disruption due to technical fault on the DPO network or at the subscriber's end and disruption due to technical fault of CPE at the subscriber's end as 48 hrs. If the fault continues beyond the prescribed time limit, it may be provided that the DPO shall be liable to compensate the subscriber by not charging subscription fee for the extended period.

Q 17. What should be the duration of disruption in service warranting compensation to the consumer and how the compensation should be calculated in following cases?

(a) Continued Disruption due to technical fault on the DPO network at the subscriber's end beyond the pre specified time.

(b) Continued Disruption due to technical fault of CPE at the subscriber's end beyond the pre specified time.

Answer: Refer to Answer 16

17th June, 2016

Q 18. What should be the framework and terms and conditions for shifting of connection including timelines in respect of PAN India DPOs where provision of connection at new location is feasible?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 19. Is there a need to prescribe procedure for transfer of the TV connection? If so, what should the procedure, terms and conditions for transfer of services connection and timelines?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 20. What should be the framework to address the concerns of stakeholders (Subscribers and DPOs) relating to temporary suspension of service?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 21. How issue of abrupt closure of service due to nonpayment can be addressed while protecting the interest of subscribers and DPOs?

Answer: TRAI should adopt an approach such that better quality of experience is provided to the consumer. Abrupt closure of services on account of a delay in payment may adversely impact healthy consumer-provider relationship. Therefore, we recommend that in event of non-payment of pay channels may be stopped first, while allowing FTA channels for specified days (15 days) from the date when payment was due. If the default continues even after this period, DPOs may close all the services.

Q 22. Is gradual closure of service as discussed in para 8.23 is a feasible option? If so what should be procedure and the framework?

Answer: Refer to Answer 21

Q 23. What should the procedure and timeframe to inform the subscriber regarding closure of service due to closure of business?

Answer: We suggest that in case of closure of business by the DPO at least a 21 days' prior notice by way of an on screen display, including prime time, should be given to the consumer.

Q 24. Why uptake of mandated schemes for set top box (Outright purchase, Hire purchase, and on rent) is so low at present? How consumer awareness on these issues can be increased?

Answer: We suggest that the regulator should develop a regulatory framework to ensure that the consumers are made aware of all terms and schemes related to the CPE/ STB. There should be a well-defined regulatory framework for, types of schemes to be offered by DPO to consumer, cost of CPE, transparency in

17th June, 2016

maintenance, guarantee and warranty of CPE, simple and cost effective return or surrender of the CPE/ STB. Provisions should be made in the regulations such that the consumer is able to switch from one DPO to the other as per his wish with minimum financial burden.

Q 25. What should be the consumer friendly common framework of CPE Schemes for providing CPE to consumers in digital addressable system? Please provide your comments with justification?

Answer: Refer to Answer 24

Q 26. What should be minimum essential information related to a CPE scheme that must be made available to the consumers to safeguard their interests? Please provide your comments with justification.

Answer: Refer to Answer 24

Q 27. What measures may be adopted to ensure availability of good quality CPE to consumers?

Answer: Refer to Answer 24

Q 28. Should any charges such as visit charges, etc. be charged from the subscribers during guarantee-warranty period?

Answer: Refer to Answer 24

Q 29. What should be provisions for maintenance of CPE after the expiry of guarantee- warranty period?

Answer: Refer to Answer 24

Q 30. What should be the simplified provisions for surrender of CPE in case of closure of service by the subscribers in order to protect their interest?

Answer: Refer to Answer 24

Q 31. Please suggest the standards and essential technical parameters for ensuring good quality of service for the following digital addressable platforms:

- e). Digital Cable TV**
- f). DTH**
- g). HITS**
- h). IPTV**

Answer: A reasonable consumer friendly regulatory framework may be developed.

17th June, 2016

Q 32. What are the different methods to effectively increase consumer awareness?

Answer: No comments

Q 33. How consumer related information can be effectively provided to Subscribers through DPO website. What minimum information should be provided through consumer corner?

Answer: No comments

Q 34. Can outsourcing to the third party for various web based operations be permitted especially for smaller DPOs? If yes, what precautions are taken to ensure that such provisions are not misused?

Answer: No comments

Q 35. In case of the use of “In Channel” communication means, what should the guidelines for running scrolls or other onscreen displays, so that it does not impact the viewing experience?

Answer: We recommend that TRAI may standardize the “In Channel” communication by prescribing the parameters like font and the screen display ratio etc. of the in channel communication, such that it does not become a cause of annoyance to the consumer at the same time does not go unnoticed.

Q36. What options can be used for verifiability of subscriber communications for any change in service or provision of additional service?

Answer: A transparent, well documented and well laid out transparent procedure for recording the consent/ correspondence from the consumer may be developed.

Q 37. What should be the duration to preserve such verifiable subscriber communications requesting change in service or provision of additional services at DPO level?

Answer: TRAI may prescribe 3 months or such other reasonable time frame for the DPOs to preserve the record by way of screen shots. Besides maintaining the record DPOs should also notify the broadcasters of the affected channels regarding any such changes.

Q 38. What should be optimal number of channel packages which meets the subscriber demand and are well understood by the subscribers?

Answer: We suggest that in order to make the package offering by DPOs to consumer uniform and easy to understand for the consumer, TRAI should mandate Genre based packaging of channels at the retail level. The bouquets

17th June, 2016

offered to customer at retail level should be declared by TRAI genre wise. We suggest that the Broadcast Audience Research Council's (BARC) list of genre in TV channels be adopted by TRAI. Such mandate will standardize the bouquets offered by the last mile operators and make it easy for the consumer to compare and make choice.

Q 39. How the package offerings can be improved in case of cable TV services so that effective choice is made available to the consumers?

Answer: Refer to Answer 38

Q 40. Whether the choice of Pre or Post paid method should be mandatorily made available to the subscribers?

Answer: Pre-paid model can be allowed with the same billing and transparency standards as have been prescribed for Telecom service providers. Also pre-paid subscriber should also receive detailed invoice.

Q 41. What should be the essential information contained in the monthly Bill/ Usage details to be provided to subscribers in post paid or pre-paid system?

Answer: It is in the interest of the consumer that detailed information about the consumption charges, charges towards bouquet and a-la-carte channels, consumer number, Service tax registration number, entertainment tax etc. should be mentioned on the bill.

Q 42. Should pre-paid method is encouraged in case of cable TV services provided through LCOs? Support your comments with justification.

Answer: Pre-paid model can be allowed with the same billing and transparency standards as have been prescribed for Telecom service providers. Also pre-paid subscriber should also receive detailed invoice. DPOs should provide LCO with limited access to his served subscriber base's billing information, subscription information, etc.

In case of manual collection of the bill by the LCO, he may be able to e-recharge the subscriber account using a prepaid terminal, while continuing to collect the payment manually from the subscriber.

Q 43. What should be the billing cycle both for pre-paid and post-paid? Please give your comments along with justification.

Answer: We suggest that a TRAI prescribed standard billing cycle may be adopted.

17th June, 2016

Q 44. Should deduction of maintenance related charges for CPE from the pre paid subscription account be prohibited?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 45. How Toll Free number and call center details can be widely publicized among the subscriber?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 46. How response time and accessibility of call center including that of the Call center executive can be enhanced?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 47. Please provide your comments on the following performance parameters discussed in preceding paras related to call center?

a. Call center availability hours

b. Multiple languages in IVR

c. Response time for answering IVR and voice to voice calls

d. Sub menu and accessibility of customer care executive

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 48. What should be the timelines for complaint resolution for different type of complaints at call center and Nodal officer level?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 49. Can outsourcing of call center and web based complaint monitoring functions to third party help in increasing efficiency and compliance levels?

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 50. What should be the innovative ways to develop a speedy user friendly complaint registering and redressal framework using Mobile Apps, SMS, Online system etc.

Answer: A reasonable consumer friendly regulatory framework may be developed.

Q 51. What should be framework for implementation of electronic PMR?

Answer: A reasonable regulatory framework may be developed to balance the equities and provide a better experience to the consumer.

17th June, 2016

Q 52. What should be framework for auditing of the records for QoS regulatory compliance by DPOs? Please suggest appropriate measures along with justifications.

Answer: A reasonable regulatory framework may be developed to balance the equities and provide a better experience to the consumer.

Q 53. What should be framework for carrying out survey for QoS compliance and subscriber satisfaction?

Answer: A reasonable regulatory framework may be developed to balance the equities and provide a better experience to the consumer.

Q 54. What should be the framework and quantum for financial disincentives for non-compliance to the prescribed QoS benchmarks? Please suggest appropriate measures along with justifications.

Answer: A reasonable regulatory framework may be developed to balance the equities and provide a better experience to the consumer.

Q 55. Should all channels carried on the platform of a DPO must be included and shown in the EPG? Justify your comments.

Answer: We suggest that must carry should be introduced at the retail level and Genre based packaging of channels should be mandated. The bouquets offered to customer at retail level should be declared by TRAI genre wise. We suggest that the Broadcast Audience Research Council's (BARC) list of genre in TV channels be adopted by TRAI. EPG should also be aligned genre wise. All channels carried on the platform of a DPO must be included and shown in the EPG with the LCN and name of channel displayed.