



April 24<sup>th</sup>, 2009

**Note: Kindly treat this response as our final response in substitution to our earlier response dated April 14, 2009.**

Telecom Regulatory Authority of India  
Mahanagar Doorsanchar Bhawan  
Jawaharlal Lal Nehru Marg  
New Delhi - 110 002

Sub: ***Response to Telecom Regulatory Authority of India Consultation Paper No. 4/2009 dated March 6, 2009***

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Dear Sir,

We take this opportunity to welcome the initiatives taken by TRAI aimed at addressing the main concern of the DTH Operators and the DTH subscribers.

The following background is relevant here:

- As far back as in 2006, the Hon'ble TDSAT, in petition No. 136 (C) of 2006 *ASC Enterprises Ltd. vs. Star India Private Ltd* **asked the TRAI to come out with wholesale price regulation**
- Again vide order dated 31<sup>st</sup> March, 2007 in Petition No. 189(C) of 2006, the Hon'ble TDSAT reiterated that the TRAI should come out with price fixation and regulation **for the price that is charged by the Broadcaster to the DTH (wholesale input price) as early as possible**. In the same petitions, the Hon'ble TDSAT had further fixed a norm, **in the interim till price fixation is**

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**done by TRAI**, that broadcaster will charge the DTH operator 50% of its listed price for non-addressable platform.

- In writ Petition No. 16097/2007, the Hon'ble High Court of Punjab and Haryana was apprised of the price distortions prevailing in the industry and urgent need for intervention by the Regulator. The Hon'ble High Court, while disposing of the writ vide its **order dated 21 August 2008, had directed the TRAI to pass an appropriate order under Section 11 (2) of the TRAI act.**

It is also important to commend the Authority for the work that has already been done, as it has gone a long way in making access to content easier for DTH operators. The adoption of the 50% **interim norm** and interconnection amendment regulations are examples of the same. However, these measures are at best Interim and there are still serious anomalies in the system. What is really needed is a scientific approach to content price rather than an adhoc approach. It is important to highlight an illustration of the anomaly in the system and the resultant pricing abuse:

Certain broadcasters have started seeking 7% increase in their rates with respect to DTH . They are basing this on the **9<sup>th</sup> Amendment to the Cable Tariff order which has allowed a 7% increase in the charges being paid by the non addressable platform** to Broadcasters. The broadcasters are seeking to applying a corresponding increase in their tariff for DTH, as the DTH prices are interlinked with the Non Addressable prices. Such a inefficient inter-linkage requires urgent intervention by the Authority. Such pricing abuses must be curbed by the Authority by immediately clarifying that the



7% increase allowed for non addressable platform shall not be extended to DTH operators by Broadcaster.

Keeping the above preliminaries in mind, we would like to submit our point wise response to each of the issues raised in the consultation paper:

## **5.2 Tariff fixation for DTH services**

### *5.2.1 Whether there is a need to fix tariff for DTH?*

There is an urgent need to establish effective and transparent tariff regime in order to support the orderly growth of the Broadcasting sector. Regulation of content tariff for DTH is unavoidable to maintain level- playing field conditions between the DTH platform and other addressable platforms.

The Authority has a statutory obligation to regulate DTH content tariff in the interests of all stake holders of the DTH sector and through the exercise of its powers under S. 11(2) of the TRAI Act, to ensure non-discriminatory treatment and equality in access to content. This is particularly important to enable the platforms, which are in nascent state.

The following reasons, would highlight the need for Tariff Regulations for the DTH with a view to providing a consistent and transparent framework, so as to:

- enable a level playing field among similar addressable platforms and enhance effective competition in the content distribution space;



- stimulate a more widespread use of DTH services for meeting digitalization objectives;
- improve the availability of DTH services to consumers and enable them to benefit from cost efficiency of the DTH operators.

The scope of tariff regulation should cover all markets segments, which are without sufficient competition. Currently content costs for a DTH platform in India make up almost 55% of its total operational costs which is the highest anywhere in the world. DTH platforms are further subjected to a high revenue share with the Government (10% of Gross Revenue) and an irrational tax structure (amounting to as high as 40%). All these conditions put together, leave the DTH platform incapable of being viable, much less, having any capability of effective competition with the cable sector which has to pay no revenue share and has high under-declaration levels (upto 80%). The inevitable Customer Acquisition cost coupled with deep subsidies on Hardware ( due to increased competition ) by DTH operators has already resulted in huge operational losses.

All these above conditions underline an urgent need for Wholesale Tariff regulation so that effective competition can be established in the market.

Tariff Regulation should also ensure that market failure does not result from any of the following:

- i. Unfair demand by broadcasters and delays;



- ii. Incomparable offerings, discriminatory terms and unreasonable price fluctuations across similar addressable platforms.
- iii. Discrimination and unreasonable market distortions against DTH consumers.
- iv. Creation of pricing and packaging disadvantages
- v. Denial of Content

The high scale litigation in the last three years is proof of the above distortions currently prevalent in the inter-connect environment. It is essential that consumers are offered both, their desired choice and quality and this can only be achieved by wholesale / input tariff regulation.

*5.2.2 If yes, whether tariff regulation should be at wholesale level or at retail level or both, i.e., whether tariff should be regulated between broadcasters and DTH operators or between DTH operators and subscribers or at both the levels?*

The Authority ought to appreciate that fixation of whole sale and retail tariff are distinct regulatory exercises and have different trigger points. Wholesale and retail tariff fixation exercises are completely independent of each other and the factors necessitating the same have to be analyzed and assessed independently by the Authority. One does not necessarily lead to the other. The market distortions and unfair pricing prevalent at the wholesale level have been demonstrated and documented time and again. The Authority has itself noted the market failure conditions existing at the wholesale level. However there are no complaints of market failure on the retail front, whatsoever, before the Authority neither any such instances have been highlighted in the consultation paper. **All the judicial orders, referred to in beginning of our response, have been passed with respect to content tariff / content prices only**



The Authority is fully aware that the Cable sector with a 88% share of the market in the content distribution space is without doubt the dominant incumbent. When both wholesale and retail tariff of this dominant incumbent is already regulated, there is no need to further regulate the retail pricing of the new entrants, who are at a nascent stage, in the content distribution space. With 60000 cable operators and 6 DTH platforms including DD Direct( the largest number in any country in the world) there is enough last mile competition and this provides more than adequate price protection to consumers. The dominant position of the cable sector ensures that DTH and other competing platforms are competitively priced for subscribers.

In markets where a dominant operator faces ineffective competition, the regulator should be primarily concerned with anti-competitive pricing tactics in relation to input costs (*e.g.*, predatory pricing and cross-subsidization by vertically integrated operators) that are intended to weaken or damage new entrants. There should be no cause of concern with the retail prices as the DTH operators are inevitably required to follow and compete with the prices offered by the dominant incumbent ie Non CAS cable. Further, The addressable DTH platform anyway ensures that the subscribers have a variety of options to suit their regional and demographic tastes .

Further on wholesale tariff / input costs for DTH platforms requires regulation as being only one player among a plethora of distribution entities, it does not enjoy any leverage over content owners. It is a settled economic principle and well accepted in developed markets that price regulation is implicit with mandating access as is the case with the Interconnect regime prevailing in the



Broadcasting industry. Hence the Authority ought to regulate wholesaling pricing for the DTH platform.

**At the same time , no tariff regulation is required at the retail level.**

*5.2.3 Whether tariff regulation for DTH at wholesale level should be in terms of laying down some relationship between the prices of channels/ bouquets for non-addressable platforms and the prices of such channels/ bouquets for DTH platform? If yes, then what should be the relationship between the prices of channels/ bouquets for non-addressable platforms and the prices of such channels/ bouquets for DTH platform? The basis for prescribing the relationship may also be explained.*

Since the dominance of analogue cable is irrefutable, the Authority should adopt consistent principles and procedures to ensure that prices are just and reasonable. The principles established and accepted by the industry are non discriminatory and a correction factor for non accountability of the entire revenue in the non addressable platforms. Hence, the tariff regulation for DTH at wholesale level should be in terms of laying down some relationship between the prices of channels/ bouquets for non-addressable platforms and the prices of such channels/ bouquets for DTH platform.

TRAI has already done extensive work to establish the framework for interconnection. A variety of independent surveys have confirmed that there is significant under-declaration of revenues in the non addressable platforms. This under declarations is the prime reason for establishing a relationship between the prices of channels/ bouquets for non-addressable platforms and the prices of such channels/ bouquets for DTH platform. The KPMG study dated December



4, 2006 and the Merrill Lynch report, which reveals the level of under declaration (between 80% to 90%) in the un addressable platform, can be relied upon in this regard. The same are annexed hereto as Annexure 1

Thus, in order to remove the anomalies from the pay TV market, channel prices to DTH platforms must be no greater than 15-20% of the declared prices for non addressable platforms.

The 50% benchmark, as was provided by the TDSAT and later adopted by the Authority, was intended to be a starting point for the Authority to work from. A fair approach for applying the correction factor would be as follows:

- Keeping in mind that the total pay TV homes in India are over 90 Million, an analysis of subscription levels declared by both the broadcasters and the DTH operators (filed with the Authority) needs to be carried out.
- Such an analysis will reveal that the Broadcasters today are generating approximately the same or more subscription revenue from DTH in comparison with the entire non- addressable cable business (which has a market share of about 88%).
- This analysis will also enable the Authority to find out efficient declaration levels as opposed to inefficient declaration levels set up some broadcasters and thereby leading to undue high Cable prices of channels
- **Following this analysis, the Authority can apply correction factor , which is imperative for an addressable platform**



The above analysis / methodology will create a level playing field, ensure healthy competition and work in the interest of all concerned stakeholder.

*5.2.4 Whether tariff regulation for DTH at wholesale level should be in terms of fixation of prices for different bouquets/ channels? If yes, then the prices for different bouquets/ channels may be suggested. The methodology adopted for arriving at the prices for such bouquets/ channels may also be elucidated. Further, the methodology to fix price for a new pay channel may also be given.*

Tariff regulation for DTH at wholesale level should be in terms of fixation of prices for different bouquets/ channels and should be such that allows DTH to give effective competition to the dominant incumbent ie. un-addressable Cable or Non CAS Cable Equilibrium should be maintained between content cost, distribution and viewership cost that operates today in determining channel prices. The fundamental principle to be followed, in any tariff determination exercise undertaken by the Regulator, is that an operator should be able to recover fully, in order to subsist and remain in business the cost of capital (CAPEX) incurred in setting up infrastructure, operational expenses (OPEX), depreciation, license fees, spectrum charges (as applicable), and taxes together with any other expenses of mandatory nature not included in OPEX.

As already stated above, a correction factor for non accountability of the entire revenue in the non addressable platforms has to be applied to arrive at the wholesale prices of different bouquets/ channels for DTH. To arrive at the under-declaration levels in the non-addressable platforms, the Authority can



make use of the exhaustive KPMG reports (attached) and also arrive at an independent analysis of the under declaration levels by using the subscriber base declared by the broadcasters under the Register of Interconnect regulations. This broadcaster declared subscriber base of the non addressable platform can be compared with the advertising revenue details filed by various broadcasters and/or subscriber base of DTH operators and further co-related with the entire pay TV household in India (currently assessed at 90 million approx). In arriving at such an analysis, the Authority can apply the under-declaration levels of the non addressable platform to arrive at efficient pricing for the addressable DTH platform. Thus the key to the suggested methodology is the declaration levels and advertising revenue details filed by various Broadcasters with the TRAI.

*5.2.5 Whether retail regulation of DTH tariff should be in terms of maximum retail prices of various channels or is there any other way of regulating DTH tariff at retail level?*

There should be no regulation of DTH retail tariff for the reasons mentioned in our response to 5.2.2 above. There should be no cause of concern with the retail prices as the DTH prices will necessarily have to follow and compete with the non addressable platform. Further, the last mile competition already ensures that the consumers derive the maximum benefit in terms of DTH retail pricing:

- a) Set Top Boxes are already being offered to consumers at throw away prices or free in some cases.



- b) There are a multitude of now various packages available at varying prices to suit the demographic and linguistic taste multiple interests of various subscribers.
- c) Niche channels are made available ala-carte so that the consumer is not burdened with the cost.

*5.2.6 In case DTH tariff is to be regulated at both wholesale and retail levels, then what should be the relationship between the wholesale and retail tariff?*

As stated above, there should be no regulation of DTH retail tariff. Hence there is no need for a relationship between wholesale and retail tariff.

### **5.3 Comparison with CAS**

5.3.2 Whether the ceiling for maximum retail prices of pay channels for DTH should be the same as laid down for cable services in CAS areas?

Typical investment in a DTH platform exceeds Rs. 1000 crores, whereas it is much lesser for cable services in CAS areas.. In substance, DTH pricing is already lower than CAS pricing. Therefore, the ceiling for maximum retail prices of pay channels for DTH should not be the same as laid down for cable services in CAS areas. **To reiterate, there is no need for any retail regulation for DTH.**

*5.3.3 Whether DTH operators should be mandated to provide a basic service tier of FTA channels and if so, what mechanism should be adopted by DTH operators to provide the*



*service of unencrypted Basic Service Tier, which is available in CAS areas without having to invest in a Set Top Box?*

Clause 7.2 of the DTH License conditions required that “The Licensee (DTH) shall ensure subscriber’s interests through a Conditional Access System (CAS), which is compatible with an open Architecture (non-proprietary) Set Top Box.”

In view of the above license condition, the question of providing the *service of unencrypted Basic Service Tier* does not arise. Any such requirement will be ultra vires the license conditions.

Also, DTH Set Top Boxes are being provided to consumers on subsidized price. Therefore, with every box sold, the DTH Operator incurs further losses. Moreover, a DTH platform incurs substantial cost even for digitalization of the FTA channels and uplinking these channels to its satellite from where the signals are then transmitted to the dish and set top box of the subscriber. Therefore a DTH services should essentially be considered Pay Television Services and there cannot be scope for provision of FTA Channels in such a commercial structure

*5.3.4 Whether the DTH operators should be required to make available the pay channels on a-la-carte basis to the subscribers as the cable operators are required to do in the CAS areas?*

There is no requirement to make available the pay channels on a-la-carte basis. It should be left on to the DTH operator to decide its package offerings in alignment with its business requirements and achieve efficiency in the best interest of the consumers. DTH operators are already offering a-la-carte



packaging options across genre and languages and market forces would further shape these offerings. The DTH QoS and Interconnection regimes have already afforded the consumers the choice and flexibility they deserve.

Imposing a last mile a-la carte offering / pricing mandate would not only create significant new infrastructure and operating costs for DTH but such a requirement will also only add to the inequitable burden on DTH and further enhance the regulatory divide between the dominant un-addressable platform and DTH.

In fact, DTH operators today offer larger/ enhanced Basic Tiers to offer a competitive alternative appealing to the widest segment of the consuming public and also have ala-carte offerings. This offers the following benefits to both the consumers and the DTH operators:<sup>1</sup>

- a. Consumers do not have to make complex decisions over future viewing choices when they sign up for DTH services. Instead of evaluating each channel before subscribing to it, a consumer can browse the expanded basic package at their leisure.
- b. A broad Basic Tier offering also eliminates the need to reconfigure selections as tastes or program networks change. **In lieu of placing orders, subscribers merely use their remote control.**
- c. The DTH operator also enjoys transactional savings in order processing, a task that is greatly complicated when the number of distinct packages delivered

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<sup>1</sup> Thomas Hazlet ; George Mason University Law And Economics Research Paper, 2006



increases from a limited number of standard tiers to all possible channel combinations.

- d. Consumers get to choose from a multitude of now various packages available at varying prices to suit the demographic, linguistic tastes and multiple interests of various subscribers.

Subscribers only pay for the basic tier when the value of the *service they receive* exceeds the *cost they pay*. This is the economic interpretation of bundling. It allows individual customers with diverse tastes to support efficient production of a wide range of services, and to realize their own value from that system. Based on this reasoning, a regulatory mandate of pure ala-carte offerings/pricing to consumers will produce the following inefficiencies<sup>2</sup>:

- a. Mandating an a la carte offering/pricing would hamper each DTH operator's efforts to compete for viewers, making it far more expensive to market their programs to interested customers.
- b. Significant new infrastructure and operating costs will have to be incurred by DTH operators making their offerings even more expensive and uncompetitive.
- e. It is far costlier for systems to customize packages when subscribers are capable of using remote controls.
- f. Limiting DTH operator's efficient product offerings will discourage productive investments, depriving customers the fruits of gains from trade.

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<sup>2</sup> Ibid; Experience in the U.S. C-Band market, DBS, and in the Canadian cable market, suggests that a la carte pricing results in higher prices and attracts few customers.



By not forcing the DTH operators to compulsorily offer pay channels to its subscribers on a-la-carte basis, healthy competition shall be ensured and the ultimate gainer shall always be the consumer, in whose interest this entire exercise is being carried out.

*5.3.5 Whether standard tariff packages for renting of Set Top Boxes should also be prescribed for DTH operators?*

As stated earlier, the cost of the Set Top Boxes has reduced drastically compared to what was offered by DTH Operators a couple of years ago. At the current low prices for Set Top Boxes being offered, it shall not make good sense to set any standard tariff packages for renting of Set Top Boxes; this aspect should be left to each DTH operator keeping in mind that the market forces are only constantly forcing the prices lower and lower in the interests of the consumers.

#### **5.4 Other Relevant Issues**

*5.4.1 Whether the carriage fee charged by the DTH operators from the Broadcasters should also be regulated? If yes, then what should be the methodology of regulation?*

No regulation is necessary in respect of carriage fee charged by the DTH operators from the Broadcasters. This is within the purview of the commercial freedom of an operator and the same should not be curtailed by regulation. This should be left to the commercial negotiations between the parties. The issue of regulation of Carriage fee being charged by DTH operators has already been exhaustively discussed in the recent TRAI consultation paper **No. 15 / 2008** and other consultations in the past. Further, the recent amendment to the Interconnect regulations has already addressed certain concerns regarding



carriage fee. The quantum of carriage fee charged is based on economic principles on demand and supply and should not be interfered with. DTH platforms suffer huge operational losses due to mismatch between infrastructure cost and the meager subscription revenues. The Government or the Regulator does not step in to mitigate the losses for the Platforms. Similarly, any regulation of carriage fee will amount to regulatory intervention of undesirable nature and is not called for.

*5.4.2 Whether any ceiling on carriage fee needs to be prescribed? If yes, then whether the ceiling should be linked with the subscriber base of the DTH operator or should it be same for all DTH operators?*

As stated above, no regulation is necessary in respect of carriage fee charged by the DTH operators from the Broadcasters. This should be left to the commercial negotiations between the parties.

## **6.1: Provisioning of new services on DTH platform**

### **6.1.5**

*a) Whether Movie-On-demand, Video-on-Demand, Pay-per-view or other Value added services such as Active Stories should be recognized as a broadcast TV channel?*

All over the world, DTH operators provide several interactive services which are an integral part of a DTH platform's service offerings. These services are basically On Demand, informative and interactive in nature and mostly contain graphical information. In India too, services offered by DTH service providers have evolved over period of last three years based on global practices and consumer preferences. The basic differences between Broadcast TV Channel and an Interactive platform based service are:

<u>Broadcast TV channel</u>	<u>Interactive platform based services</u>
Appointment based	On demand
Static TV	Interactive
Cannot be skipped	Sections can be skipped
Streaming content received from Broadcaster satellite	In-house developed Software downloaded to Set Top Box

**Neither the way they are marketed by the industry nor the way they are received and perceived by consumers makes them similar to linear streams of channel programming, and they should not be treated as such.**

Moreover, under clause 10 of the DTH license, only when the DTH facility is proposed to be used for different modes of communication, what is envisaged and prohibited without a specific license has to be applied for from the competent authority, is using the DTH facility for other modes of communication. The intent being here is that the DTH facility should not be used for other modes of communication including voice, fax, data, communication, internet etc. The provision of platform services does not use any other mode of communication except the DTH facility. Such platform services are an integral part of a DTH platform's service offerings and act as a differentiator for DTH viz a viz other modes of content distribution.

*b) In case these are termed as broadcast TV channels, then how could the apparent violation of DTH license provision (Article 6.7, Article 10 and Article 1.4), Uplinking and Downlinking guidelines be dealt with so that availability of new content to consumer does not suffer for want of supporting regulatory provisions?*



As stated above, interactive services are not in the nature of broadcast TV channels; content for interactive services is developed in house or in partnership with third parties for exclusive distribution to the DTH operators own set of subscribers. The non- exclusivity principle can only apply to the Broadcast Content provided by the regular T.V channels and not for interactive services content. No DTH license provisions are violated in this event. The proposed addition of Article 7 A in relation to Platform Services as contained in the Ministry of Information and Broadcasting reference letter dated D.O No. 8/5/2006- BP&L dated February 2, 2009 and agreed to by the TRAI vide its letter No. 24-3/2009- B&CS dated March 17, 2009 should be sufficient.

*c) What should be the regulatory approach in order to introduce these services or channels while keeping the subscriber interest and suggested alterations in DTH service operations and business model?*

The current regulatory framework should suffice. The Ministry of Information & Broadcasting (MIB) is fully aware that Interactive services are in the nature of “platform services” and not routine commercial broadcaster activity. These platform services were essential to inform subscribers of platform functionality and services and that these platform services were not in the nature of routine commercial broadcaster activity. The Authority in its recommendation dated August 25, 2006 has observed that all stake holders were unanimous in saying that the platform services must be permitted and the unanimity in views on desirability of having such platform services indicated the usefulness of such platform services which are aimed at enabling the subscribers to utilize the



platform efficiently and informing them of platform functionality and services and therefore made the following recommendations to the Ministry of I&B:

The Guidelines for Uplinking from India should be amended to exclude DTH platform services aimed at enabling the subscribers to utilize the platform efficiently and informing them of platform functionality and services.

The license conditions for DTH service providers should be amended to lay down the following norms for platform services which do not require approval/permission under the Guidelines for Uplinking from India :-

Thus, provision of platform services has been held valid by the TRAI in the TRAI recommendations dated August 25, 2006 and, the current regulatory system of reporting the provision of platform services vide Information reports should suffice. No specific regulation for these services needs to be brought in as there is already a very high degree of consumer choice involved in selecting content on these platforms – for most on-demand-type services, the consumer makes a conscious commercial decision to view the content, usually at a time of his own selection.

*d) In case these are not termed as broadcast TV channels, then how could such a channel be prevented from assuming the role of a traditional TV channel? How could bypassing of regulatory provisions- Uplinking/ Downlinking, Programme Code, and Advertisement Code be prevented?*



As explained above, these are platform services; they are not channels. These services cannot assume the role of a traditional TV channel as these are in On Demand. The issue of bypassing of regulatory provisions Uplinking/ Downlinking, Programme Code and Advertisement Code is not relevant in this case and thus out of context.

*e) Whether it should be made mandatory for each case of a new Value added service to seek permission before distribution of such value added service to subscribers? Or whether automatic permission be granted for new services on the basis that the services may be asked to be discontinued if so becomes necessary in the subscribers' interest or in general public interest or upon other considerations such as security of state, public order, etc.?*

It should not be made mandatory for each case of a new Value added service to seek permission before distribution of such value added service to subscribers. Automatic permission should be implied for new services on the basis that the services may be asked to be discontinued if so becomes necessary in the subscribers' interest or in general public interest or upon other considerations such as security of state, public order, etc. In the event the service is asked to be discontinued in the subscribers' interest or in general public interest, this should be done after giving the DTH operator an opportunity to be heard and express its views. The practice of Post-facto reporting after the commencement of service as is the case being followed currently should be continued.

*f) In view of above, what amendments shall be required in the present DTH license conditions and Uplink/ Downlink guidelines?*

The proposed addition of Article 7 A in relation to Platform Services as contained in the Ministry of Information and Broadcasting reference letter dated D.O No. 8/5/2006- BP&L dated February 2, 2009 and agreed to by the TRAI vide its letter No. 24-3/2009- B&CS dated March 17, 2009 should be sufficient.

*h) Traditionally advertisements as well as program content fall in the domain of the Broadcasters. In case, DTH operator shares the right to create, sale and carry the advertisement on his platform, then the channels are necessarily distinguished on the basis of who has provided the advertisement with the same program feed. In what way any potential demand to supply clean feed without advertisement by a DTH operator be attended to (by a broadcaster)? Should 'must provide' provision of the Interconnect Regulation be reviewed, in case supply of clean feed is considered necessary?*

DTH operators should be permitted to share the right to create, sale and carry the advertisement on his platform, so that the channels are necessarily distinguished on the basis of who has provided the advertisement with the same program feed. Any potential demand to supply clean feed without advertisement by a DTH operator should be left to commercial negotiations between the broadcaster and the DTH operator.

## **6.2: Radio channels on DTH services**

*(a) Whether carriage of radio channels by a DTH operator be permitted? Should such permission cover all kind of radio channels to be carried?*

Yes, carriage of radio channels by a DTH operator should definitely be permitted. Such permission should cover all kinds of radio channels. This is



common practice in many other countries, as also is carriage of radio channels on cable networks.

*(b) In case this is permitted, whether DTH license, Uplink/ Downlink guidelines, Conflict of business interests conditions with existing radio system operators, should be amended keeping in view, the incumbent or new DTH operators?*

A simple clarification from the Ministry of Information and Broadcasting to the effect that carriage of radio channels / audio channels is allowed on DTH platforms should suffice. There are no conflict of business interests with an exiting radio system operators as DTH is a paid service. By way of illustrations, AIR channels are freely carried on the DD Direct service

*(c) If so, what changes are needed in the existing regulatory provisions so that the general policy of must provide and a non-discriminatory offering of channels be extended to between radio channels and DTH operators?*

While the must provide and non discriminatory offering principles should be extended to only licensed Radio channels, on the same hand, these principles need not necessarily be applied to non licensed audio services.

Yours Sincerely,

For Tata Sky Limited

Anshuman Sharma  
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