



TELECOM REGULATORY AUTHORITY OF INDIA



E-NEWSLETTER FOR TRAI REGISTERED CONSUMER ORGANISATIONS FOR MAY, 2019



Dr. R.S. Sharma, Chairman, TRAI addressing the SAMENA Council Telecom Leaders' Summit 2019 on Early Proliferation of 5G Vital to Building the Digital Economy” - Visualizing Impact of 5G in Boosting ICT Business & Innovation in Dubai, UAE on 18.04.2019

1. Directions

a) Direction to Direct To Home (DTH) Operators:

1. Direction to DTH operators to ensure compliance of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 23.04.2019 and 24.04.2019 respectively.

Through the direction dated 23.4.2019 to M/s Bharti Telemedia Ltd. and dated 24.4.2019 to M/s Dish TV India Ltd, the Authority directed to submit compliance by resolving the following issues: -

- The said DTH operator is forcefully offering a bouquet of free-to-air channels with no choice to subscribers and without their consent. This is in addition to the channels opted by the subscribers and the following message is being displayed: - This is a free to air bouquet at no extra charge. If you have selected any pay channel, then this bouquet will not impact your Network Capacity Free (NCF).
- Most of the times, the consumers are not able to contact the toll-free number of M/s Bharti Telemedia Ltd. and M/s Dish TV India Ltd to express their grievance.

b) Direction to Multiple System Operators (MSOs):

1. Direction to M/s IndusInd Media and Communications Ltd (IMCL) to ensure compliance of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 16.04.2019

Through this direction, the Authority directed to M/s IMCL to submit compliance by resolving the following issues: -

- The process of channel selection on the website of M/s IMCL is not user friendly (while selecting ala-carte channels, genre wise list of channels is not available);
- M/s IMCL is overcharging the subscribers in the name of service charges;
- M/s IMCL is forcing the channels/packs to the consumers;
- Subscribers are not able to re-exercise their choice.

2. Direction to M/s Den Networks Ltd to ensure compliance of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 16.04.2019.

Through this direction, the Authority directed to M/s Den Networks Ltd to submit compliance by resolving the following issues: -

- The process of channel selection on the website of M/s Den Networks Ltd is not user friendly (while selecting ala-carte channels, search option is not available). After selecting the channels, it is displayed on the website that activation will be done after paying the amount to the LCO;
- The said DPO is forcing the channels/packs to the consumers. Subscribers are not able to re-exercise their choice;
- The said DPO is not providing bill receipt of payment made in printed form to the consumers.

3. Direction to M/s Fastway Transmissions Pvt Ltd to ensure compliance of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 16.04.2019.

Through this direction, the Authority directed M/s Fastway Transmissions Pvt Ltd to submit compliance by resolving the following issues: -

- Regarding unavailability of choice of channels to the customer in selecting channels and forcing its own channels/packs to the consumers in violation of regulations under the new regulatory framework notified by the Authority.
- Reviewed their website and observed that the hyperlink for 'consumer corner' for enabling the consumers to make their choices is not available on the website which is in violation of the provisions of the QoS regulations, 2017.

4. Direction to M/s Hathway Digital Pvt Ltd to ensure compliance of various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 16.04.2019.

Through this direction, the Authority directed M/s Hathway Digital Pvt. Ltd. to submit compliance by resolving the following issues: -

- The said DPO is offering bouquets which contains both FTA and PAY channels.
- Subscribers who have already paid amount in advance for one year, the pay channels of such consumers have been cut without their consent and only FTA channels are being shown.
- Most of the times, the consumers are not able to contact the toll free number of M/s Hathway Digital Pvt. Ltd to express their grievance.
- Subscribers are not able to re-exercise their choice through website and the following message is being displayed: - For any type of renewal please call your Local Cable Operator.

5. Direction to M/s SITI Networks Ltd to ensure compliance to various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 16.04.2019.

Through this direction, the Authority directed M/s Siti Networks Ltd to submit compliance by resolving the following issues: -

- The said DPO is forcing the channels/packs to the consumers.
- Subscribers are not able to re-exercise their choice.
- The said DPO is not providing bill receipt of payment made in printed form to the consumers.
- Subscribers are not able to login to their account for selecting channels of their choice

6. Direction to M/s GTPL Hathway Ltd to ensure compliance to various provisions of the New Regulatory Framework for Broadcasting and Cable TV Services issued on 16.04.2019.

Through this direction, the Authority directed M/s GTPL Hathway to submit compliance by resolving the following issues: -

- The said DPO is forcing the channels /packs to the consumers;
- Subscribers are not able to delete the channels;
- The said DPO is not providing bill receipt of payment made in printed form to the consumers.

2. Regulations

2.1 TRAI has issued a Draft Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulations, 2019 issued on 22nd April 2019.

Through this draft Interconnection Agreements regulations, TRAI has sought comments of the stakeholders with detailed reasons and justifications.

Written Comments on the Draft Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulations, 2019 are invited from the stakeholders by 6th May 2019. All the comments received from the stakeholders have been uploaded on TRAI's website. Open House Discussion (OHD) on draft Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulations, 2019 has been scheduled to be held on 10.06.2019 in Delhi.

3. Consultation Papers

3.1 TRAI has issued a Consultation Paper on Entry Level Net worth requirement of Multi-system Operators in Cable TV services issued on 09.04.2019.

TRAI issued consultation paper on 'Entry level Net-worth requirement of Multi System Operators (MSOs) in Cable TV services. A Multi System Operator (MSO) is an authorized service provider, providing cable TV services to its subscribers. The Rule 11(3) of Cable Television Network Rules, 1994 mentions about financial strength of the applicant for grant of MSO registration without explicitly details thereof.

2. In this regard, a reference was received from Ministry of Information and Broadcasting (MIB) vide letter dated 16th May 2018 seeking recommendations of TRAI on the appropriate levels for fixation of entry level net-worth of the Multi System Operators (MSOs) for operationalizing cable TV digitization across the country. Further details of the reference were shared by MIB vide their letter dated 13th December 2018.

3. The objective of the consultation paper is to deliberate whether there is a need to fix entry level net worth for MSO? if yes, what should be the value of the net worth required at the time of registration for MSO? Further the paper seeks the comments regarding the documents and method to assess the net-worth of an applicant, if a minimum value is prescribed.

3.2 TRAI issued an updated Consultation Paper on “Review of Per Port Transaction Charge and Other related charges for Mobile Number Portability”.

An updated Consultation Paper “Review of Per Port Transaction Charge and Other related charges for Mobile Number Portability” was released on 1st April 2019 inviting comments of all stakeholders by 12th April 2019 and counter comments by 19th April 2019.

4. Other Information

4.1 Telecom Subscription Data as on 31st March, 2019.

Particulars	Wireless	Wireline	Total (Wireless + Wire-line)
Urban Telephone subscribers (Millions)	650.49	18.67	669.16
Rural Telephone subscribers (Millions)	511.32	3.02	514.35
Total Telephone subscribers (Millions)	1161.81	21.70	1183.51
Overall Tele-density (%)	88.46	1.65	90.11
Share of Urban Subscription (%)	55.99%	86.06%	56.54%
Share of Rural Subscription (%)	44.01%	13.94%	43.46%
No. of Broadband Subscribers (Million)	544.89	18.42	563.31

Active wireless subscribers on the date of Peak VLR in March 2019 were 1021.75 million.

In the month of March, 2019, 5.30 million subscriber requests were made for MNP. Till the end of February, 2019, a total of 428.40 million consumers have availed MNP facility since its implementation.

4.2 TRAI releases White Paper on the benefits of 'New Framework' for Small MSOS on 23/04/2019.

In summary the White Paper highlights the issues that were faced by small MSOs and the remedies provided through new framework. The gist of the paper is as follows:-

Ministry of Information and Broadcasting (MIB) amended the Cable Television Act 1995, in 2011 as per recommendations of TRAI to introduce Digital Addressable System (DAS) in a phase-wise manner. DAS implementation started in 2012 and has culminated in March 2017 across the country. The technological developments as a result of introduction of DAS enabled long distance transmission television content, thereby promoting consolidation in the distribution. This resulted in advent of large multi-city, multi-state Multi-Systems Operators (MSOs). There were commercial reasons also behind the development of large MSO. The broadcasters provided the Television channels to different DPOs (MSOs, DTH, HITS or IPTV operators) based on mutual negotiations. The size of MSOs in the market mattered most, and large operators were able to get better deals from the broadcasters.

TRAI after due consultations and analysis has carried out a comprehensive regulatory overhaul and notified the new regulatory framework comprising of The Interconnection Regulations 2017, The Quality of Service Regulations 2017 and Tariff Order 2017. The 'New Framework' promotes the consumer interest. Making the choices available to consumer and a consumer paying only for what she/ he chooses to watch is the fulcrum of the new framework. The framework prescribes non-discrimination and transparent interconnection based on published reference interconnect offer (RIO). Any negotiation dehors the RIO is forbidden.

The 'New Framework' by its design creates a level playing field among various players. The framework benefits the small and medium MSOs with provisions that prescribe non-discrimination, transparent terms and conditions, transparent distribution fee and standard discount structure based on quantifiable parameters. The comprehensive effect of 'New framework' is very positive for small and medium MSOs. There are numerous clauses that address the issues being faced by such small MSOs in previous regime. The 'New Framework' promotes level playing field and provide equal opportunities to all types of stakeholders. It provides certainty of provisioning of TV channels within a prescribed time-frame, thereby ensuring viability of small and medium MSOs.

The NRF addresses most of the challenges faced by small players, thereby obviating the entry barriers. TRAI endeavours that all service providers, howsoever small, have equal opportunities to grow their business and benefit from the ongoing growth of television service sector. The new players bring in the agility and prompt action on consumers' demand. More competition means further improvement in services, better consumer satisfaction and thereby ushering-in overall growth for all.

4.3 TRAI withdrew its earlier Direction on missed calls (Wangiri Calls).

TRAI withdrew its earlier Direction on missed calls (Wangiri Calls) originating from outside the country dated 7th September 2012 on 21st April 2018.

Full details of the Directions/Orders, Consultation Paper/Report, Subscription Data, etc mentioned in this newsletter are available on TRAI website www.trai.gov.in

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