

COMMENTS ON DRAFT MODEL AND STANDARD INTERCONNECTION AGREEMENT BETWEEN MULTI SYSTEM OPERATOR AND LOCAL CABLE OPERATOR FOR OFFERING CABLE TV SERVICES THROUGH DIGITAL ADDRESSABLE SYSTEMS (DAS)

Introduction

1. There is need to re-visit a few terms before commenting on the draft LCO :-
 - (a) There is no term such as LCO/LMO in the Cable Act. Cable Operator (since at the time of drafting the ordinance in 1994 was operating Headend too and MSO had not emerged) means any person who provides cable services through a cable television network or is otherwise responsible for the management and operation of a cable television network (NOT headend) and fulfils eligibility criteria and conditions. In DAS regime it means a person who does not manage or perform any technical functions of a Headend (turn around, encoding, encryption, multiplexing, modulation, combining and server based subscriber management) and is registered with the Deptt of Posts. If a Headend Service Provider i.e. HSP (a better term than MSO) operates a network of their so called Direct Points then is to be treated as Cable Operator for that part of service if registered with the Deptt of Posts.
 - (b) Multi Service Operator means a Cable Operator (since in 1994 there were no MSOs and some cable operators re-operating Headends) who has been granted Registration under Rule 11C who receives programming services from a broadcaster or its authorized agencies and re-transmits the same or its own program services for simultaneous reception either by multiple subscribers or through one or more local cable operators and includes his authorized service agencies.
 - (c) Headend Service Provider is deemed to be one either desirous of or has established Headends (for turn around of television broadcast programs whether integrated with own programs or not) and is registered with Ministry of Information and Broadcasting (MIB) under Rule 11C for digitization(encoding, encryption, multiplexing, modulation, combining, transmission over wireline medium, or partially wireless and partially wireliune medium, of such programs for viewing by subscribers managed by suitable Subscriber Management System(SMS) at the Headend to enable/disable viewing of programs through an addressable Set Top Box (STB) at the subscribers premises.



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(d) Addressability, in simple terms, implies a facility to enable or disable viewing of digital addressable TV programs, transmitted from a DAS Headend over a wireline/wireless distribution network, through an STB selectively and remotely.

- Hence in any agreement/regulation/instruction concerning HSP, Cable Operator or a Subscriber, terms LCO (Local Cable Operator) and MSO need to be addressed as the 'Cable Operator' or 'HSP' respectively.

Comments on Draft LCO floated by TRAI

- Para 4.3** – Explanation In DAS the only hardware installed is the addressable STB, provided on lease or hire purchase wherein lien has NOT been transferred to the subscriber under terms and conditions of provision of service. Where the lien has been transferred either due to outright purchase or completion of instalments for hire-purchase, the STB becomes the property of the subscriber and NOT of Cable Operator or HSP.
- Para 5.1** Line 1 for 'channels' substitute programs.
- Para 6.5** – BST, if chosen by the subscriber in the SAF and changed subsequently through 18x365 Customer Care Services.
- Para 8.4** - (a) for 'distribute' read 'issue' and (b) Insert after STB "(duly paired with Subscriber ID, Viewing Card Ser No and Cable Operator ID)
- Para 8.5** – Insert after word generate 'itemized bills showing
(1) Basic Tier charges (2) FTA ordered by subscriber over and above BST (3) PAY TV Content Charges; 3.01 'a-la-carte' 3.02 bouquets (4) STB Provisioning charges, if any (5) Sub Total for HSP Services (6) Service Tax (7) Entertainment Tax (8) Any other charges and (9) Tooyal Payable.
- Para 9.1**- Delete 'Copy' and substitute ' Original' since that kept with the SMS is only admissible in litigation if any.
- Para 9.2**- Substitute 'communicate' for 'entering'.
- Roles and Responsibilities Table**



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- 10.01 Ser No 3 Remarks column Delete word 'copies'
- 10.02 Remarks Column After MOP- include " with details of subscriber (name, subscriber ID filled on first page of MOP, Ser No of STB, Make and Model of STB and ser No of Viewing Card) duly signed and stamped by the HSP.
- 10.03 Ser No 6 –Remark Columns- after subscriber insert 'as well as include in the MOP'. Ideally this should be in barker channel, EPG or web site of HSP.
- 10.04 Ser No 9 Remarks – Cable Operator cannot do it. UIN is generated in the Application Server whose access is restricted. Subscriber details are contained in the Data Base Server whose access can be provided to Cable Operator on Read Only basis.
- 10.05 Ser No 10 Role Column – STB has to be paired and programmed at the Headend before issue to the subscriber. The technician of Cable Operator just interposes the STB between Cable Drop at Subscriber end and the TV domestic receiver, and calls the Customer Care referring Subscriber ID to report installation for activation of service and commencement of billing.
- 10.06 Ser No 11 Role Column – Not feasible in India. HSP has no knowledge about Subscribe Relations.
- 10.07 Ser No 13 – Remarks Column – After SMS insert 'through customer care'.
- 10.08 Ser No 13- Remarks Column – Cable Operator cannot do it since not provided access to Application Server. They have to request Customer Care to send such message to STB through SMS wherein STB is paired with Subscriber as well as Cable Operator ID.
- 10.09 Ser No 20 Role Column– Bills are invariably generated in the SMS if correctly filled SAF is punched into Data Base Server linked with Application Server. Cable Operator can access the generated bill, if authorised by the HSP on the Application Server Proxy and print the same on their own stationery
- 10.10 - Ser No 21 – HSP needs to issue machine numbered receipt books (three leafs for each receipt i.e. TRIPLICATE) for issue to subscriber on collection of



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payment with Cable Operator ID stamped on each receipt. Cable Operator prepares a scroll and uploads the same on HSP web site followed by despatch of hard copy to the HSP

10.11 **Ser No 22 Role Column**- Not feasible since all subscribers may NOT have e- Mail ID. In practice collection boy of Cable Operator goes to collect payment and should issue the receipt to the subscriber from the receipt book issued by the HSP.

10.12 **Ser No 23 Role Column**-Needs to be provided on specific requests and 'On Payment' separately. Usage based billing is NOT applicable to Cable TV. This is a distinguishing feature with TELCO business.

10.13 **Ser No 24 Role Column**- Remission of taxes responsibility rests upon HSP since their Headend operates the SMS, generates bills and keeps record of services provided and billed. There is a High Court ruling on this interpretation.

- 11 **Para 12.2** Liable for perinneeal differences/litigation. Bills are invariably generated in the correctly installed, commissioned and tested SMS. Physical printing of bills at the Headend or the Cable Operator location is a business decision which may be enshrined in the ICO. All account statements have to be submitted by the Cable Operator to the HSP, details updated in the SMS and Cable Operator dues apportioned for direct credit to Cable Operator's account.
- 12 **Para 12.3** Why such a doubt ? Bill is being issued by the HSP. Printing can be delegated to Cable Operator in case payments are collected by the Cable Operator with exception to an ON LINE payment by subscriber to the HSP or through RTGS transfer.
- 13 **Para 13.1(i)** – Disconnection by Cable Operator NOT feasible in correctly installed SMS in DAS environment. Subscriber is borne on the list in the SMS at the Headend, operated by the HSP. Programs are encrypted at the Headend and ECM+EMM issued at the Headend for STB to de-encrypt managed by CAS and SMS serves. STBs are arranged by the HSP and subsequently paid for by the subscriber. Only eventuality for dis-connection is in default of payment of bills (included in the terms and conditions of services and printed on reverse of the SAF as well as warned in bills printed) or on request by Subscriber to change HSP.



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- 14 **Ser 14.4** To be re-constructed in line with suggestion on 14.3.
15. **(a) Ser 15.2-** add 'STB' after subscribers.
- (b) Ser 15.2-** For disconnected substitute "Disabled for viewing from the Headend for LIFE without prejudice to prosecution for default.
- 16 **Definitions and Interpretation Schedule**
- (a) Consider simplifying and amend to read 'Addressable System means a facility in DAS to enable or disable viewing through the STB remotely and selectively'.
- (g) Line 2 – substitute 'generation', with 'transport stream'
- (h) Channel or TV Channel needs to be modified as TV content broadcaster.
- (y) Set Top Box – Line 2 insert 'receiver' after Television.
- (bb)Line 3 and 4 delete 'channels' and substitute ' programs'
- (dd)Trunk Lines For 'signals' substitute 'program streams' AND insert after end –'i.e. the PoP (Point of Presence) of the program streams transmitted over the wireline medium by the HSP in the proximity of Cable Operator's network'.

Conclusion

- 17 The ICO standard suggested draft was omitted in TRAI Regulations No 9, 12 and 13. Probable reason possibly being change in definition of PAY TV content in DAS (content for which MSO has to pay to the Broadcaster), against content in CAS(content for which subscriber has to pay to the broadcaster). This resulted in disappearance of Subscriber and Cable Operator as entities in revenue flow chart for computerisation and determination of Cable Operator's share against each item in the itemized bill as mandated for DAS
18. Cable Operators alleged that MSOs drafted one sided and arbitrary ICOs for Cable Operators to sign which they resisted. It is believed that this draft is in response to a judgement by Mumbai High Court.



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- 19 Most Cable Operators do NOT seem to be interested in DAS implementation. They don't want true connectivity to be revealed and would be happy if a simple monthly fixed subscription basis business arrangement is instituted in the revenue flows. The situation has also been messed up because STBs are not programmed before issue to the subscriber and MIB has been insisting on statistics for number of STBs installed as in index of DAS implementation.
- 20 Most Cable Operators are NOT management educated and do NOT run organized offices. They appear to be ignorant on fine prints understanding of Cable Act, Rules and Regulations. HSPs (popularly called MSOs at variance from connotation in Western Countries where MSOs provide multiple services such as Voice, Broadcast video, VOD and Data) have NOT upskilled them and their staff. The result is the subscriber does'nt understand DAS and does'nt know Cable Operator, MSO or Broadcaster. Subscriber only knows the technician who installed the STB and visits regularly for collections too. Most subscribers have the technician, popularly called the CABLE WALA, contact details.



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