



January 10, 2009

---

**Submissions of ESPN Software India Private Limited ("ESIPL") to  
Telecom Regulatory Authority of India ("TRAI") in response to the  
Consultation Paper No. 14/2008 dated December 1, 2008 on Quality  
of Services issues for Cable TV Services in Non-CAS Areas and for  
DTH Services ("Consultation Paper")**

---

**Kind Attention: Mr. Nripendra Misra, Chairman  
Telecom Regulatory Authority of India  
Mahanagar Doorsanchar Bhawan,  
Jawahar Lal Nehru Marg,  
New Delhi - 110002.**

We welcome the initiative taken by the Hon'ble Authority in releasing the Consultation Paper and seeking views of the stakeholders on issues addressed therein. We have perused the consultation paper and issues posed for consultation in Chapter 4 of the Consultation Paper and would like to submit as under:

**For Direct to Home Broadcasting Services:**

**4.1.5 Whether the DTH operators should be specifically prohibited from dropping of channels from a subscription package for a subscriber for six months from the date of enrolment of that subscriber, if the channel continues to be available on their platform.**



4.1.6 Within this period of six months, in case the channel ceases to be available on a particular DTH platform, then whether it would be appropriate to have a mechanism of reducing the subscription charges by an amount equal to the wholesale a-la-carte rate of that channel. *Alternatively*, can you suggest any other methodology for such compensation to the subscriber? Should such compensation be paid/adjusted even when one channel in a package is dropped, and it is replaced/substituted by another channel so that the total number of channels in that package is not affected?

4.1.7 Whether the subscribers should also be required to subscribe to any channel/ package for a certain minimum subscription period as in CAS areas. If yes, what should be such minimum subscription period?

ESIPL's Submission:

We understand that the objective of TRAI in proposing the above is to reduce frequent changes in subscription plans. We submit that for ensuring the foregoing, no restriction need be imposed on DTH operators, prohibiting them from dropping a channel from a subscription package of a subscriber for six months from the date of enrolment of that subscriber, if the channel continues to be available on their platform. Instead, the above objective can be achieved by requiring DTH consumers, like CAS consumers, to subscribe to any channel for a minimum subscription period of six (6) months. This will protect the interests of both the consumers as well as service providers and will reducing frequent changes in the subscription plans.



Further, by attempting to dictate compensation for customers in the event that channels are no longer available on the platform, TRAI will be increasing the regulatory burden on both the operators and, indirectly, broadcasters. This will certainly impact our ability to construct a differentiated commercial offering, something which is necessary for a healthy and competitive industry. We are of the view that additional restrictions on how the channels are packaged and marketed and priced at the retail level are counter-productive at this stage.

**4.1.13 Whether tariff plan or subscription package changes requested by the DTH subscriber should be accepted and implemented immediately or from the start of next billing cycle for DTH subscriber.**

ESIPL's Submission:

To allow DTH platform to be competitive and serve its customer efficiently, DTH operators should give immediate effect to DTH subscribers' requests.

Accordingly, Tariff plan changes or subscription package changes requested by the DTH subscriber should be accepted and implemented immediately and a DTH operator need not wait for the next billing cycle.

Yours truly,  
For & on behalf of  
ESPN Software India Pvt. Ltd.

  
Authorized Signatory

\*\*\*\*\*