

RELIANCE BIG BROADCASTING PRIVATE LIMITED

(CIN: U65990MH2006PTC160747)

Registered Office: 502, Plot No 91/94, Prabhat Colony, Santa Cruz (East), Mumbai 400 055

July 29, 2014

Mr. Agneshwar Sen
Advisor (B&CS),
Telecom Regulatory Authority of India ("TRAI"),
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi-110002

Subject: Consultation Paper on Regulatory framework for Platform Services.

Dear Sir,

This is with reference to the Consultation paper on Regulatory framework for Platform Services dated June 23, 2014, which has been floated by TRAI seeking views of the stakeholders.

Please find herein below our point-wise comments for your kind consideration:

1. **Do you agree with the following definition for Platform Services (PS)? If not, please suggest an alternative definition:**

1. **Alternate Definition:**

"Platform services (PS) are programs of a specific genre transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and TV channels permitted under downlinking guidelines."

2. **Kindly provide comments on the following aspects related to programs to be permitted on PS channels:**

2. **PS channels should not be allowed to transmit the following:**

- Any news and/or current affairs programs,
- Coverage of political events of any nature,
- Any program that is/ has been transmitted by any Doordarshan channels or TV channels permitted under uplinking/ downlinking guidelines, including serials and reality shows, International, National and State level sport events/ tournament/ games like IPL, Ranji trophy, etc.
- Information pertaining to sporting events.
- live coverage

PS channels may be permitted to transmit the following: {on a non-exclusive basis}

- Movie/ Video on demand
- Interactive games,
- Coverage of, educational/ academic programs (such as coaching classes), information regarding examinations, results, admissions, career counseling, availability of employment opportunities, job placement.
- Local cultural events and festivals, traffic, weather.
- Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration.



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Explanation:

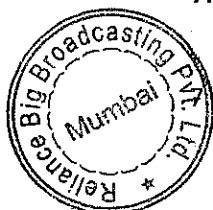
Providing information or public announcement related to local issues fall under the domain of news and current affairs and coverage of sports should not be allowed. We have to be specific of the genre of content else it could spill into the restricted domains.

The 3 genres that may be allowed are recommended as follows:

(1) movies on demand, (2) interactive games and (3) educational programmes.

3. **What should be periodicity of review to ensure that the PS is not trespassing into the domain of regular TV broadcasters?**
3. It is necessary to create a mechanism whereby the PS is required to file quarterly, and yearly returns to ensure compliance of basic terms, and a complaint mechanism with speedy disposal to ensure that laid down criterias are met, and if not, the licenses shall be suspended, and/or cancelled, as the case may be. The DPOs should become members of a self regulatory body like the broadcasters – BCCC which keeps all players in check. MIB should review the PS channels in the same manner as they keep a check on regular television channels and put appropriate Advisory and notifications, if required from time to time.
4. **Should it be mandatory for all DPOs to be registered as Companies under the Companies Act to be allowed to operate PS? If not, how to ensure uniform legal status for all DPOs?**
4. Yes, all DPOs should be a company if they want to operate a PS. Operating a PS is a more complex responsibility which involves creating content as opposed to only distributing feeds of television channels. Therefore, it is essential that the DPO should be a company as is the case with a regular broadcaster to operate a television channel.
5. **Views, if any, on FDI limits?**
5. The Consultation paper draws an analogy with FM radio (Phase III) as regards 'local news' that could be transmitted under PS. We therefore suggest that the FDI permissible for FM radio (i.e. 26 % with government approval) should be extended to the DPO's intending to broadcast the PS. Further, the same limit is also applicable for news and current affairs TV channels.
6. **Should there be any minimum net-worth requirement for offering PS channels? If yes, then what should it be?**
6. Yes, there should be a minimum net-worth requirement for offering PS channels as is applicable to News and Current Affairs Channels, as prescribed by MIB.
7. **Do you agree that PS channels should also be subjected to same security clearances/ conditions, as applicable for private satellite TV channels?**

Yes they should have the same security clearance as other TV channels so as to have uniformity and non-discrimination.



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8. For the PS channels to be registered with MIB through an online process, what should be the period of validity of registration and annual fee per channel?

8. The validity period should be shorter than that of regular channels, not more than 5 years, since this particular genre is still evolving and there are not enough stringent regulatory checks on them as with a regular TV channel. Furthermore, the DPOs currently in India are fragmented, and not organized. Thus, a greater check and balance at regular intervals is needed.

If the time period for renewal is kept at 5 years, then a mechanism should be evolved whereby the DPOs are required to file yearly returns with MIB showing regular compliance with the criteria set for the same.

9. What is your proposal for renewal of permission?

9. Permission for PS channels should be required to be renewed periodically every 3 years

10. Should there be any limits in terms of geographical area for PS channels? If yes what should be these limits.

10. It will be very difficult to monitor and regulate PS channels offering content based on geographical areas. Two adjoining states may be culturally similar and it would be difficult to decipher what exactly is one state's domain, also each state as a number of dialects and off-shoots of the main language of the state. Therefore, PS channels should be allowed to provide content in the 3 genres i.e. movies on demand, interactive games and educational programmes only and it should be uniform throughout the Country.

11. Should there be a limit on the number of PS channels which can be operated by a DPO? If yes, then what should be the limit?

11. There should be a limit of 5 channels which a DPO should be permitted to operate.

12. Do you have any comments on the following obligations/ restrictions on DPOs:

12.1. Non-transferability of registration for PS without prior approval of MIB;

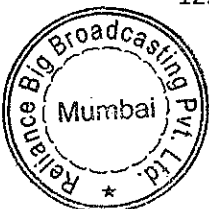
12.1. We agree, PS should not be allowed to transfer its registration without prior approval of MIB.

12.2. Prohibition from interconnecting with other distribution networks for re-transmission of PS i.e. cannot share or allow the re-transmission of the PS channel to another DPO; and

12.2. A DPO should not be allowed to transmit beyond its own home network.

12.3. Compliance with the Programme & Advertisement Code and TRAI's Regulations pertaining to QoS and complaint redressal.

12.3. The PS channels have to strictly comply with the program and advertising code as any other television channel would do and they should be viewed with the same measure of



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compliance as any other Television channels. Parameters of what is permissible as content should be uniform for all channels irrespective of the genre or the audience they are reaching out to. Even the movies on demand should be certified and censored to the same extent as a regular television channel can show. Else a regular television channel will stand to loose, as it will not be able to show content which a PS can offer. This creates an unlevel playing field for the platform operators which can affect revenue generation.

13. What other obligations/ restrictions need to be imposed on DPOs for offering PS?

13. The content offered by DPOs on their PS is provided as VAS with an intent to increase their ARPUs. As the cost of content for PS is cheaper than cost of content for TV channel, there should be regulation in place to ensure that content offered by DPO on PS is appropriately priced so as to ensure a level playing field.

Also PS should be permitted only to DPOS who have achieved 100% digitization. They should have to comply with requirements of filling CAF. They should have Subscriber Management System and billing system as in the case of MSOs after digitalization.

14. Should DPO be permitted to re-transmit already permitted and operational FM radio channels under suitable arrangement with FM operator? If yes, then should there be any restrictions including on the number of FM radio channels that may be re-transmitted by a DPO?

14. Yes we agree that DPOs should be allowed to re-transmit FM channel under suitable arrangement with FM operator. This would increase the reach of FM channels especially with Phase III FM Licensing/ migration approaching in the near future. A DPO should be able to broadcast only those FM channels in a given area which can be normally accessed by the public on FM. Therefore, if suppose in a city say 4 FM channels are operating the DTH should be allowed to re-transmit all the 4 channels.

15. Please suggest the mechanism for monitoring of PS channel.

15. Same/similar mechanism as existing for TV broadcasters should be adopted for PS channels.

16. Do you agree that similar penal provisions as imposed on TV Broadcasters for violation of the terms and conditions of their permissions may also be imposed on PS? If not, please suggest alternative provisions.

16. Yes we agree that similar penal provisions as imposed on TV Broadcasters for violation of the terms and conditions of their permissions may also be imposed on PS as there should be no discrimination.

17. What amendments and additional terms & conditions are required in the existing registration/ guidelines/ permission/ license agreements w.r.t. DPOs for regulating the PS channels?

17. The registration/ guidelines/ permission/ license agreements w.r.t. DPOs should be at par with TV Broadcasters.



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18. What should be the time limit that should be granted to DPOs for registration of the existing PS channels and bring them in conformity with the proposed regulatory framework once it is notified by MIB?
18. A period of 1 year may be granted to DPOs for registration of the existing PS channels and bring them in conformity with the proposed regulatory framework once it is notified by MIB
19. Stakeholders may also provide their comments on any other issue relevant to the present consultation including any changes required in the existing regulatory framework.
19. It is our view that ideally the PS channels should be treated like any other television channel and the same legal and regulatory framework should be applicable to them. It is unfair to not impose the same restrictions and conditions on a PS channel just because it does not show all genres of content as shown by other television channels. In fact, the current genres applicable to them are in competition with the regular channel which broadcast similar content, therefore, with lesser restrictive impositions on a PS channel it gives them a regulatory and business advantage over the regular television channel. Therefore, we submit that a PS channel should be treated on par with a regular television channel and the same terms and conditions should be applicable to them to operate.

We request TRAI to take the aforesaid comments into consideration while passing the necessary regulations in this matter.

Thanking you,

Yours faithfully,

For Reliance Big Broadcasting Private Limited



Authorised Signatory

