

COMMENTS ON BEHALF OF ALL INDIA DIGITAL CABLE FEDERATION (AIDCF) TO THE DRAFT TELECOMMUNICATION (BROADCASTING AND CABLE SERVICES) (EIGHTH) (ADDRESSABLE SYSTEMS) TARIFF ORDER, 2016

At the outset, the All India Digital Cable Federation (AIDCF) applauds the efforts of the Telecom Regulatory Authority of India (TRAI) in implementing the distribution network model through the proposed Tariff Order, 2016. The same has been made clearly to streamline the broadcasting industry and has taken into consideration the various issues raised by the various stake holders including the AIDCF.

The instant response being submitted by us is limited only to those provisions of the draft Telecommunication (Broadcasting and Cable Services) (Eighth) (Addressable Systems) Tariff Order, 2016 (hereinafter referred to as the Draft Tariff Order) which in our opinion require some modification in order to ensure a level playing field, protect the interests of our member MSOs and would further help in reducing disputes between the stakeholders.

S. No.	Existing Draft Tariff Order	Modification/Addition/Deletion proposed by the AIDCF to the Draft Tariff Order	Detailed Reasons for the proposals by AIDCF
1.	<p>Clause 2(zh) reads as under:</p> <p>“subscriber” means a person who receives television broadcasting services, provided by a service provider, at a place indicated by such person without further transmitting it to any other person and each set top box located at such place, for receiving the subscribed television broadcasting services from the service provider, shall</p>	<p>It is proposed that the Clause 2(zh) should be amended to the following:</p> <p>“subscriber” <u>for the purposes of this Tariff Order</u> means a person who receives television broadcasting services, provided by a service provider, at a place indicated by such person without further transmitting it to any other person and each set top box located at such place, for receiving the subscribed television broadcasting</p>	<p>It is submitted that the aforementioned change is necessary as various Entertainment Tax departments have been consistently misreading the existing definition of subscriber under the extant Regulations and levying Entertainment Tax on the basis of each Set-Top Box irrespective of whether they are within the same customer premises. In essence, Entertainment Tax is a Tax imposed on the end consumer on availing Entertainment</p>

	constitute one subscriber;	services from the service provider, shall constitute one subscriber;	Services. However, the Departments relying upon the definition given under the Regulations, treat each Set-Top Box as an independent customer, whereas in cases where multiple Set-Top Boxes are installed at an individual customer's premises, they should not be treated as such for the purposes of Entertainment Tax. Various complaints have been received by MSOs from customers on account of the same, as it is the customer who has to pay the tax.
2.	<p>Clause 3 reads as under:</p> <p>3. Manner of offering channels by broadcasters. – (1) Every broadcaster shall declare ---_</p> <p>(a) the nature of each channel as 'free to air' or 'pay' for different relevant geographical areas as specified in Schedule I; and</p> <p>(b) the maximum retail price, excluding taxes, of each pay channel on a-la-carte basis, to be paid by the subscriber:</p> <p>Provided that the maximum retail price of a pay channel shall be more than 'zero':</p> <p>Provided further that the maximum retail price of a channel in a relevant</p>	<p>It is proposed that Clause 3 should be amended to the following:</p> <p>3. Manner of offering channels by broadcasters. – (1) Every broadcaster shall declare ---_</p> <p>(a) the nature of each channel as 'free to air' or 'pay'; and</p> <p>(b) the maximum retail price, excluding taxes, of each pay channel on a-la-carte basis, to be paid by the subscriber availing signals in a DAS Phase I, II, III and IV Areas:</p> <p>Provided that the maximum retail price of a pay channel shall be more than 'zero':</p> <p>Provided further that the maximum retail price of a shall be uniform for all</p>	<p>It is submitted that the maximum retail price of a channel or a bouquet of channel should be the same and there should be no price variation on the basis of geographical areas. Also, in terms of the proposed Regulations a subscriber shall only subscribe to those channels which he wants to view, therefore there is no reason as to why a customer in Mumbai may be permitted to pay a higher/ lower rate than a customer in Delhi, when the service being received in both places is identical. For a Broadcaster, the cost of providing signals throughout the country is the same. All Areas falling under DAS Phase I, II III and IV should be considered one contiguous market.</p>

	<p>geographical area shall be uniform for all distribution platforms in that area: Provided further that it shall be open for a broadcaster to declare any pay channel as a premium channel.</p> <p>(2) Every broadcaster shall offer all channels on a-la-carte basis to the subscriber.</p> <p>(3) It shall be open for a broadcaster to offer pay channels in the form of bouquet(s) and declare the maximum retail price, excluding taxes, of such bouquet(s) to be paid by the subscriber: Provided that it shall be open for a broadcaster, while making a bouquet of pay channels, to combine pay channels of its subsidiary company or holding company or subsidiary company of the holding company, which has obtained, in its name, the downlinking permission for its television channels, from the Government, after written authorization by them, and declare maximum retail price for such bouquet of pay channels: Provided further that the maximum retail price of such bouquet of pay channels shall not be less than eighty five percent of the sum of maximum retail prices of the a-la-carte pay channels forming part of the bouquet: Provided further that the maximum</p>	<p>distribution platforms in that area: Provided further that it shall be open for a broadcaster to declare any pay channel as a premium channel.</p> <p>(2) Every broadcaster shall offer all channels on a-la-carte basis to the subscriber.</p> <p>(3) It shall be open for a broadcaster to offer pay channels in the form of bouquet(s) and declare the maximum retail price, excluding taxes, of such bouquet(s) to be paid by the subscriber availing signals in a DAS Phase I, II III and IV Areas: Provided that it shall be open for a broadcaster, while making a bouquet of pay channels, to combine pay channels of its subsidiary company or holding company or subsidiary company of the holding company, which has obtained, in its name, the downlinking permission for its television channels, from the Government, after written authorization by them, and declare maximum retail price for such bouquet of pay channels: Provided further that the maximum retail price of such bouquet of pay channels shall not be less than eighty five percent of the sum of maximum retail prices of the a-la-carte pay channels forming part of the bouquet:</p>	<p>Also, the option given to a Broadcaster to declare a channel either pay or free-to-air as per geographical location, leads to a very anomalous situation wherein customers in some areas will be made to pay for availing services of a particular channel and in other areas the same channel is available for free. The Broadcaster can take a uniform choice as to whether a channel should be pay or free-to-air. It is also proposed that once the Goods and Service Tax is rolled out the maximum retail price declared by a Broadcaster should be inclusive of all taxes.</p> <p>Furthermore, is the aforementioned suggestion of removal of geographical areas is accepted, all the Schedules to the instant Regulation will have to be renumbered accordingly as Schedule 1 would have been removed. Also, references made to relevant geographical area and corresponding changes to other clauses of the Regulations would also have to be made to bring the same in conformity.</p>
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	<p>of such declaration: Provided that a broadcaster, before making any change in the nature of any channel, shall at least ninety days prior to the scheduled change --- (a) inform the Authority; (b) inform the distributors of television channels; and (c) inform the subscribers by running scroll on the channel. (7) Every broadcaster, before making any change, in the maximum retail price of a pay channel or a bouquet of pay channels or in the nature of a channel, as the case may be, shall follow the provisions of the Regulations including but not limited to the publication of Reference Interconnection Offer.</p>	<p>to the scheduled change --- (a) inform the Authority; (b) inform the distributors of television channels; and (c) inform the subscribers by running scroll on the channel. (6) Every broadcaster, before making any change, in the maximum retail price of a pay channel or a bouquet of pay channels or in the nature of a channel, as the case may be, shall follow the provisions of the Regulations including but not limited to the publication of Reference Interconnection Offer.</p>	
3.	<p>Clause 6 reads as under:</p> <p>6. Manner of offering of channels by the distributor of television channels: (1) No distributor of television channels shall charge a rental amount exceeding rupees one hundred and thirty, excluding taxes, per month per set top box from a subscriber for providing a capacity so as to enable the subscriber to receive the signals of up</p>	<p>It is proposed that Clause 6 should be amended to the following:</p> <p>6. Manner of offering of channels by the distributor of television channels: (1) A distributor of television channels shall charge a rental amount of rupees one hundred and thirty, excluding taxes, per month per set top box from a subscriber for providing a capacity so as to enable the subscriber to receive the signals of up to one</p>	<p>It is submitted that it should be mandated that each distributor of television channels shall charge a fixed amount of Rs. 130/- excluding taxes per month per set-top box from a subscriber, rather than a maximum ceiling being prescribed. Once the rental amount is fixed there would be no scope for unfair trade practices, predatory pricing and/ or any restrictive trade practice. It would also ensure that all subscribers are assured</p>

	<p>to one hundred SD channels: Provided that one HD channel shall be treated equal to two SD channels for the purpose of calculating capacity of one hundred channels offered to the subscriber.</p> <p>(2) Every distributor of television channels shall offer all the channels available on its network on a-la-carte basis and declare retail prices of pay channels payable by the subscriber.</p> <p>(3) It shall be open for a distributor of television channels to offer a-la-carte pay channels of one or more broadcasters in the form of bouquet(s) and declare the retail price of such bouquet(s) to be paid by the subscriber: Provided that the retail price of such bouquet of pay channels shall not be less than eighty five percent of the sum of retail prices of the a-la-carte pay channels forming part of the bouquet: Provided further that such bouquet shall not contain any free to air channel: Provided further that such bouquet shall not contain HD and SD variants of the same channel: Provided further that such bouquet shall not contain any premium channel. Explanation: For the removal of doubt it is hereby clarified that a distributor of television channels while forming</p>	<p>hundred SD channels: Provided that one HD channel shall be treated equal to 3 SD channels for the purpose of calculating capacity of one hundred channels offered to the subscriber.</p> <p>(2) Every distributor of television channels shall offer all the channels available on its network on a-la-carte basis and declare retail prices of pay channels payable by the subscriber.</p> <p>(3) It shall be open for a distributor of television channels to offer a-la-carte pay channels of one or more broadcasters in the form of bouquet(s) and declare the retail price of such bouquet(s) to be paid by the subscriber: Provided that the retail price of such bouquet of pay channels shall not be less than eighty five percent of the sum of retail prices of the a-la-carte pay channels forming part of the bouquet: Provided further that such bouquet shall not contain any free to air channel: Provided further that such bouquet shall not contain HD and SD variants of the same channel: Provided further that such bouquet shall not contain any premium channel. Explanation: For the removal of doubt it is hereby clarified that a distributor of television channels while forming</p>	<p>parity in rental amounts and each subscriber irrespective of areas would be assured of services at a constant price without fear of change. It would also reduce the changes of distributors of TV channels trying to enter into anti-competitive agreements, so as to subvert the regulations.</p> <p>Secondly, it is proposed that one HD Channel should be treated equal to 3 SD Channels, rather than 2. Most distributor of TV channels have already installed a large number of MPEG2 Set-Top Boxes and as per the compression standards available on the said Set-Top Boxes/ Equipment one HD Channel takes about 3.4-3.5 times the bandwidth of a SD Channel. Therefore, the Regulation should be amended accordingly to reflect the bandwidth utilization of a HD Channel.</p> <p>Once the rental charge of Rs. 130/- excluding taxes per month per set-top box from a subscriber is fixed, there is no need for a price increase clause and hence, sub-clause (11) has been deleted.</p>
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	<p>bouquet under this clause shall include only a-la-carte channels of broadcasters.</p> <p>(4) Every distributor of television channels shall offer its subscribers each bouquet of channels formed by the broadcasters, and which are available on its platform, without any alteration and declare the retail price for such bouquet(s) payable by the subscriber.</p> <p>(5) No distributor of television channels shall charge any amount, other than the rental amount, from its subscribers for subscribing to free to air channels or bouquet(s) of free to air channels.</p> <p>(6) Within the capacity of one hundred SD channels, as referred to in sub-clause (1), in addition to channels notified by the Central Government to be mandatorily provided to subscribers, a subscriber shall be free to choose any free to air channel(s), pay channel(s), premium channel(s) or bouquet(s) of channels offered by the broadcasters or bouquet(s) of channels offered by the distributor of television channels: Provided that if a subscriber opts for pay channels or premium channels or bouquet of pay channels, he shall be liable to pay retail price for such channels or bouquets separately.</p> <p>(7) Every distributor of television</p>	<p>bouquet under this clause shall include only a-la-carte channels of broadcasters.</p> <p>(4) Every distributor of television channels shall offer its subscribers each bouquet of channels formed by the broadcasters, and which are available on its platform, without any alteration and declare the retail price for such bouquet(s) payable by the subscriber.</p> <p>(5) No distributor of television channels shall charge any amount, other than the rental amount, from its subscribers for subscribing to free to air channels or bouquet(s) of free to air channels.</p> <p>(6) Within the capacity of one hundred SD channels, as referred to in sub-clause (1), in addition to channels notified by the Central Government to be mandatorily provided to subscribers, a subscriber shall be free to choose any free to air channel(s), pay channel(s), premium channel(s) or bouquet(s) of channels offered by the broadcasters or bouquet(s) of channels offered by the distributor of television channels: Provided that if a subscriber opts for pay channels or premium channels or bouquet of pay channels, he shall be liable to pay retail price for such channels or bouquets separately.</p> <p>(7) Every distributor of television</p>	
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	<p>channels shall offer at least one bouquet, referred to as basic service tier, of one hundred free to air channels including all the channels notified by the Central Government to be mandatorily provided to the subscribers and such bouquet shall contain at least five channels of each genre as referred to in the sub-clause (1) of clause 4:</p> <p>Provided that in case sufficient number of free to air channels of a particular genre is not available on the network, the distributor of television channels shall be free to include the channels of other genres.</p> <p>(8) Subject to the availability of capacity on its network, each distributor of television channels shall offer additional capacity to a subscriber in the slabs of twenty five SD channels each, beyond initial one hundred channels capacity referred to in sub-clause (1), at an amount not exceeding rupees twenty, excluding taxes, per such slab per set top box per month for such capacity:</p> <p>Provided that the subscriber shall also be liable to pay the retail price of the pay channels subscribed within these twenty five channels.</p> <p>(9) The retail price payable by a</p>	<p>channels shall offer at least one bouquet, referred to as basic service tier, of one hundred free to air channels including all the channels notified by the Central Government to be mandatorily provided to the subscribers and such bouquet shall contain at least five channels of each genre as referred to in the sub-clause (1) of clause 4:</p> <p>Provided that in case sufficient number of free to air channels of a particular genre is not available on the network, the distributor of television channels shall be free to include the channels of other genres.</p> <p>(8) Subject to the availability of capacity on its network, each distributor of television channels shall offer additional capacity to a subscriber in the slabs of twenty five SD channels each, beyond initial one hundred channels capacity referred to in sub-clause (1), at an amount not exceeding rupees twenty, excluding taxes, per such slab per set top box per month for such capacity:</p> <p>Provided that the subscriber shall also be liable to pay the retail price of the pay channels subscribed within these twenty five channels.</p> <p>(9) The retail price payable by a</p>	
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	<p>subscriber to a distributor of television channels for subscribing to a pay channel or a premium channel or a bouquet of pay channels formed by the broadcaster shall in no case exceed the maximum retail price declared by the broadcasters for such pay channel or premium channel or bouquet of pay channels.</p> <p>(10) The retail price of a bouquet of pay channels offered by a distributor of television channels in no case shall exceed the sum of a-la-carte maximum retail prices of the pay channels forming the bouquet.</p> <p>(11) A distributor of television channels shall not increase the rental amount for a period of six months from the date of subscription by the subscriber.</p>	<p>subscriber to a distributor of television channels for subscribing to a pay channel or a premium channel or a bouquet of pay channels formed by the broadcaster shall in no case exceed the maximum retail price declared by the broadcasters for such pay channel or premium channel or bouquet of pay channels.</p> <p>(10) The retail price of a bouquet of pay channels offered by a distributor of television channels in no case shall exceed the sum of a-la-carte maximum retail prices of the pay channels forming the bouquet.</p>	
4.	<p>Clause 7 reads as under:</p> <p>7. Reporting requirement. (1) Every broadcaster shall furnish the following information to the Authority, namely: -</p> <p>(a) names, genre, language and relevant geographical area of all free to air channels offered by the broadcaster;</p> <p>(b) name, maximum retail price, genre, language and relevant geographical area of each pay channel offered by the</p>	<p>It is proposed that Clause 7 should be amended to the following:</p> <p>7. Reporting requirement. (1) Every broadcaster shall furnish the following information to the Authority, namely: -</p> <p>(a) names, genre and language of all free to air channels offered by the broadcaster;</p> <p>(b) name, maximum retail price, genre and language of each pay channel offered by the broadcaster;</p>	<p>The references made to relevant geographical area of sub-clause (1) have been removed, as also changes made to bring the same in conformity to the proposed Clause 3.</p> <p>In the first proviso to sub-clause (1) the time period to declare the maximum retail price by the Broadcaster has been changed to January, 2017 instead of March, 2017 as only once the</p>

	<p>broadcaster;</p> <p>(c) list of all bouquets of pay channels offered by the broadcaster with maximum retail prices of each bouquet, indicating the names of all the pay channels contained therein;</p> <p>(d) name, maximum retail price, language and relevant geographical area of each premium channel offered by the broadcaster;</p> <p>(e) whether the pay channels are pay channels in whole of the country or only in part of the country. (relevant geographical market(s) must be specified if a channel is a pay channel in part of the country);</p> <p>(f) advertisement revenue for the last financial year;</p> <p>(g) any other information relevant to free to air channels, pay channels, premium channels, maximum retail prices and bouquets offered by a broadcaster as called for by the Authority from time to time:</p> <p>Provided that the first such report, containing maximum retail prices effective from April 1, 2017, shall be submitted to the Authority by March 1, 2017 and, thereafter, any changes in such rates ---</p> <p>(a) shall be reported to the Authority thirty days prior to the change; and</p>	<p>(c) list of all bouquets of pay channels offered by the broadcaster with maximum retail prices of each bouquet, indicating the names of all the pay channels contained therein;</p> <p>(d) name, maximum retail price and language of each premium channel offered by the broadcaster;</p> <p>(e) advertisement revenue for the last financial year;</p> <p>(f) any other information relevant to free to air channels, pay channels, premium channels, maximum retail prices and bouquets offered by a broadcaster as called for by the Authority from time to time:</p> <p>Provided that the first such report, containing maximum retail prices effective from April 1, 2017, shall be submitted to the Authority by <u>January 1, 2017</u> and, thereafter, any changes in such rates ---</p> <p>(a) shall be reported to the Authority thirty days prior to the change; and</p> <p>(b) shall also be published on the website of the broadcaster.</p> <p>Provided further that every broadcaster shall provide to the Authority the advertisement revenue for each financial year within ninety days of the end of that financial year,</p> <p>(2) Every broadcaster who, after the</p>	<p>Broadcaster has declared the maximum retail price can the distributor of TV channels formulate the packages and publish the same and start its consumer awareness programs. Since, the Regulation is to come into effect from April, 2017 a minimum period of 2 months' prior thereto is required for the creating consumer awareness regarding the changes. Furthermore, the distributor of TV channels also requires some time to formulate packages and thereafter circulate the publicity material etc. In the case of MSOs, they also need to hold meetings with LCOs and educate them regarding the changes in the packaging etc., who in turn would have to educate the end consumer/ subscriber.</p> <p>In the first proviso to sub-clause (2) it has been added that any information with regard to introduction or conversion or discontinuation or change of a channel should also be furnished to the distributor of TV channels and the subscribers. The providing of such information to the distributor of TV channels is essential as only once the same has come to the knowledge of the distributor can it formulate packages and/ or modify its</p>
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<p>(b) shall also be published on the website of the broadcaster. Provided further that every broadcaster shall provide to the Authority the advertisement revenue for each financial year within ninety days of the end of that financial year, (2) Every broadcaster who, after the commencement of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2016 (of 2016),- ----- (a) introduces any new pay channel or free to air channel or premium channel; or (b) converts any pay channel or premium channel into free to air channel; or (c) converts any free to air channel into pay channel or premium channels; or (d) converts any premium channel into free to air channel or pay channel; or (e) discontinues any free to air channel or pay channel or premium channel; or (f) introduces any new bouquet or discontinues any bouquet or changes rate of existing bouquet; or (g) changes genre, language, name etc. of any existing channel, shall, ninety days prior to such introduction or</p>	<p>commencement of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2016 (of 2016),-- ----- (a) introduces any new pay channel or free to air channel or premium channel; or (b) converts any pay channel or premium channel into free to air channel; or (c) converts any free to air channel into pay channel or premium channels; or (d) converts any premium channel into free to air channel or pay channel; or (e) discontinues any free to air channel or pay channel or premium channel; or (f) introduces any new bouquet or discontinues any bouquet or changes rate of existing bouquet; or (g) changes genre, language, name etc. of any existing channel, shall, ninety days prior to such introduction or conversion or discontinuation or change, furnish to the Authority and to the Distributor of TV channels and subscribers, the following information, namely:- (i) name of the channel to be introduced, converted or discontinued, (ii) the date on which the new channel is to be introduced, converted or</p>	<p>offerings to the consumers. The distributor would also in the case of new channels require time to decide whether or not it wishes to subscribe to the same. In sub-clause (a) of the first proviso to sub-clause (4) the time period to report changes to the Authority has been reduced from 90 days to 30 days. The same has been done as the Broadcaster has been given a period of 90 days to give information regarding the introduction or conversion or discontinuation or change of a channel. Once the Distributor of TV channels has received such information from the Broadcaster, it would have to change its offerings i.e. bouquets etc. Therefore, in order to provide some time to the distributor of TV channels to modify its offerings the time period has been reduced. In sub-clause (5) the time period of 90 days given to a distributor of TV channels in the event of introduction or conversion or discontinuation or change of a channel/ bouquet has been reduced to 30 days. There is a two-fold reason for the same. Firstly, the Broadcaster has been given a period of</p>
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<p>conversion or discontinuation or change, furnish to the Authority, the following information, namely:-</p> <p>(i) name of the channel to be introduced, converted or discontinued,</p> <p>(ii) the date on which the new channel is to be introduced, converted or discontinued;</p> <p>(iii) the maximum retail price of the pay channel if it is a newly introduced or converted pay channel;</p> <p>(iv) the maximum retail price of the premium channel if it is a newly introduced or converted premium channel</p> <p>(v) composition of new bouquet or bouquets to be introduced along with maximum retail price for each such new bouquet;</p> <p>(vi) in the case of a new channel, the genre and language of the new channel;</p> <p>(vii) changed maximum retail price of the existing bouquet;</p> <p>(viii) changed maximum retail price, genre, language, name etc. of the existing channel.</p> <p>(3) Every broadcaster shall display on its website the information furnished under sub-clauses (1) and (2), except the information specified under sub clause (f) of clause (1), simultaneously</p>	<p>discontinued;</p> <p>(iii) the maximum retail price of the pay channel if it is a newly introduced or converted pay channel;</p> <p>(iv) the maximum retail price of the premium channel if it is a newly introduced or converted premium channel</p> <p>(v) composition of new bouquet or bouquets to be introduced along with maximum retail price for each such new bouquet;</p> <p>(vi) in the case of a new channel, the genre and language of the new channel;</p> <p>(vii) changed maximum retail price of the existing bouquet;</p> <p>(viii) changed maximum retail price, genre, language, name etc. of the existing channel.</p> <p>(3) Every broadcaster shall display on its website the information furnished under sub-clauses (1) and (2), except the information specified under sub clause (f) of clause (1), simultaneously with its submission to the Authority.</p> <p>(4) Every distributor of television channels shall furnish the following information to the Authority, namely:-</p> <p>(a) monthly rental amount charged from subscribers</p> <p>(b) list of all pay, free to air and</p>	<p>90 days to give information regarding the introduction or conversion or discontinuation or change of a channel. Only once, the Broadcaster gives such information can the distributor of TV channels take a decision with regard to the same. Secondly, in the event of discontinuation of a channel due to non-payment of carriage fees etc., the proposed and extant Interconnect Regulations provide for a notice of 21 days. A period of 90 days in such situations is excessively long. Therefore, the reduced time frame of 30 days is required.</p>
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	<p>with its submission to the Authority.</p> <p>(4) Every distributor of television channels shall furnish the following information to the Authority, namely:-</p> <p>(a) monthly rental amount charged from subscribers</p> <p>(b) list of all pay, free to air and premium channels available to subscribers on its network</p> <p>(c) list of all the bouquets of pay channels and bouquets of free to air channels available to subscribers on its network</p> <p>(d) retail price for pay channels, premium channels and bouquets of pay channels available to subscribers on its network</p> <p>(e) all terms and conditions, associated with the supply of set top boxes to the subscribers</p> <p>(f) all the platform services and their rates</p> <p>Provided that the first such report, containing monthly subscription charges and retail prices effective from April 1, 2017, shall be submitted to the Authority by March, 2017 and, thereafter, any changes in such rates ---</p> <p>(a) shall be reported to the Authority ninety days prior to the change; and</p> <p>(b) shall also be published on the website of the distributor of television</p>	<p>premium channels available to subscribers on its network</p> <p>(c) list of all the bouquets of pay channels and bouquets of free to air channels available to subscribers on its network</p> <p>(d) retail price for pay channels, premium channels and bouquets of pay channels available to subscribers on its network</p> <p>(e) all terms and conditions, associated with the supply of set top boxes to the subscribers</p> <p>(f) all the platform services and their rates</p> <p>Provided that the first such report, containing monthly subscription charges and retail prices effective from April 1, 2017, shall be submitted to the Authority by March, 2017 and, thereafter, any changes in such rates ---</p> <p>(a) shall be reported to the Authority <u>thirty</u> days prior to the change; and</p> <p>(b) shall also be published on the website of the distributor of television channels:</p> <p>Provided further that every such distributor of television channels who commences its services after coming into force of this Tariff Order shall submit to the Authority such reports before commencement of its services</p>	
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	<p>channels: Provided further that every such distributor of television channels who commences its services after coming into force of this Tariff Order shall submit to the Authority such reports before commencement of its services and thereafter any changes in the rates shall be reported thirty days prior to the change.</p> <p>(5) Every distributor of television channels who, after the commencement of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2016 (of 2016),-----</p> <p>(a) introduces any new pay channel or free to air channel or premium channel on its network; or</p> <p>(b) discontinues any free to air channel or pay channel or premium channel from its network; or</p> <p>(c) introduces any new bouquet or discontinues any bouquet or changes rate of existing bouquet;</p> <p>shall, ninety days prior to such introduction or conversion or discontinuation or change, furnish to the Authority, the following information, namely:-</p> <p>(i) name of the channel to be introduced or discontinued,</p>	<p>and thereafter any changes in the rates shall be reported thirty days prior to the change.</p> <p>(5) Every distributor of television channels who, after the commencement of the Telecommunication (Broadcasting and Cable) Services (Eighth) (Addressable Systems) Tariff Order, 2016 (of 2016),-----</p> <p>(a) introduces any new pay channel or free to air channel or premium channel on its network; or</p> <p>(b) discontinues any free to air channel or pay channel or premium channel from its network; or</p> <p>(c) introduces any new bouquet or discontinues any bouquet or changes rate of existing bouquet;</p> <p>shall, <u>thirty</u> days prior to such introduction or conversion or discontinuation or change, furnish to the Authority, the following information, namely:-</p> <p>(i) name of the channel to be introduced or discontinued,</p> <p>(ii) the date on which the new channel is to be introduced or discontinued;</p> <p>(iii) retail price of the pay channel or premium channel if it is a newly introduced;</p> <p>(iv) composition of new bouquet or bouquets to be introduced along with</p>	
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	<p>(ii) the date on which the new channel is to be introduced or discontinued;</p> <p>(iii) retail price of the pay channel or premium channel if it is a newly introduced;</p> <p>(iv) composition of new bouquet or bouquets to be introduced along with retail price for each such new bouquet;</p> <p>(v) changed retail price of the existing bouquet;</p> <p>(6) Every distributor of television channels shall display on its website the information furnished under sub-clauses (4) and (5), simultaneously with its submission to the Authority.</p>	<p>retail price for each such new bouquet;</p> <p>(v) changed retail price of the existing bouquet;</p> <p>(6) Every distributor of television channels shall display on its website the information furnished under sub-clauses (4) and (5), simultaneously with its submission to the Authority.</p>	
5.	<p>Clause 8 reads as under:</p> <p>8. Appointment of compliance officer and his obligations. -- (1) Every service provider shall, within thirty days from the date of commencement of this order, appoint a compliance officer:</p> <p>Provided that nothing contained in this sub-clause shall apply to a distributor of television channels having average subscribers base, over the immediately preceding calendar quarter, less than two lakh or such other number of subscribers which may be prescribed by the Authority through direction from</p>	<p>It is proposed that Clause 8 should be amended to the following:</p> <p>8. Appointment of compliance officer and his obligations. -- (1) Every service provider shall, within <u>sixty</u> days from the date of commencement of this order, appoint a compliance officer:</p> <p>Provided that nothing contained in this sub-clause shall apply to a distributor of television channels having average subscribers base, over the immediately preceding calendar quarter, less than two lakh or such other number of subscribers which may be prescribed by the Authority through direction from time to time:</p>	<p>The time period of 30 days in sub-clause (1) has been increased to 60 days, as in most cases new hiring would have to be done by the service providers in terms of the Regulations. Any new hiring in an organization would be difficult to manage within a period of 30 days.</p> <p>The time period of 10 days in sub-clause (4) has been increased to 30 days. The same is on account of the fact that in the event of any change in the compliance officer, 10 days is not sufficient to recruit a replacement. Furthermore, at times employees can</p>

	<p>time to time: Provided further that this sub-clause shall also not apply to a free to air broadcaster and a local cable operator. (2) Every service provider which is a company shall, within ten days from the date of appointment of the compliance officer under sub-clause (1), furnish to the Authority, the name, complete address, contact number and e-mail address of the compliance officer along with authenticated copy of the board's resolution authorizing the appointment of such compliance officer. Explanation: For the purpose of this order, the definition of "company" shall be the same as assigned to it in the Companies Act, 2013(18 of 2013). (3) Every service provider which is not a company shall, within ten days from the date of appointment of the compliance officer under sub- clause (1), furnish to the Authority the name, full address, contact number and e-mail address of the compliance officer along with authenticated copy of the authorization letter authorizing the appointment of such compliance officer. (4) In the event of any change in the name of the compliance officer so appointed under subclause (1), the same shall be reported to the Authority</p>	<p>Provided further that this sub-clause shall also not apply to a free to air broadcaster and a local cable operator. (2) Every service provider which is a company shall, within ten days from the date of appointment of the compliance officer under sub-clause (1), furnish to the Authority, the name, complete address, contact number and e-mail address of the compliance officer along with authenticated copy of the board's resolution authorizing the appointment of such compliance officer. Explanation: For the purpose of this order, the definition of "company" shall be the same as assigned to it in the Companies Act, 2013(18 of 2013). (3) Every service provider which is not a company shall, within ten days from the date of appointment of the compliance officer under sub- clause (1), furnish to the Authority the name, full address, contact number and e-mail address of the compliance officer along with authenticated copy of the authorization letter authorizing the appointment of such compliance officer. (4) In the event of any change in the name of the compliance officer so appointed under subclause (1), the same shall be reported to the Authority by the service provider within <u>thirty</u></p>	<p>resign at very short notice period and therefore, sufficient time is required to appoint a replacement.</p>
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	<p>by the service provider within ten days from the date of occurrence of such change along with authenticated copy of board's resolution or authorization letter, as the case may be.</p> <p>(5) In the event of any change in the address or contact number or email address of the compliance officer, the same shall be reported to the Authority by the service provider within ten days from the date of occurrence of such change.</p> <p>(6) The compliance officer shall be responsible for-</p> <p>(a) ensuring conformity with the provisions of this order applicable to the service provider.</p> <p>(b) reporting to the Authority, with respect to compliance with this order and other directions of the Authority issued under this order.</p> <p>(c) ensuring that proper procedures have been established and followed by the service provider that would result in the correctness, authenticity and completeness of the information, statements and reports filed by the service provider under this order.</p>	<p>days from the date of occurrence of such change along with authenticated copy of board's resolution or authorization letter, as the case may be.</p> <p>(5) In the event of any change in the address or contact number or email address of the compliance officer, the same shall be reported to the Authority by the service provider within ten days from the date of occurrence of such change.</p> <p>(6) The compliance officer shall be responsible for-</p> <p>(a) ensuring conformity with the provisions of this order applicable to the service provider.</p> <p>(b) reporting to the Authority, with respect to compliance with this order and other directions of the Authority issued under this order.</p> <p>(c) ensuring that proper procedures have been established and followed by the service provider that would result in the correctness, authenticity and completeness of the information, statements and reports filed by the service provider under this order.</p>	
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In conclusion, AIDCF would request the TRAI to consider the aforementioned proposed amendments/deletions and/or additions for the Draft Tariff Order to bring about a new and reformed era for the broadcasting sector wherein disputes between the service providers are minimized and the actual goal of providing good quality uninterrupted services and choice to the customer is achieved as well as the business interests of all the tiers of the distribution chain are protected.