

# **Comments on the Consultation Paper on Tariff related issues for Broadcasting and Cable services**

Basil  
(Individual)

**1- 5)** Definitely. Remedial measure should be introduced to cap discount at 15% if not the 15% discount itself. Heavy discounting has undoubtedly affected smaller broadcasters who don't have monopoly.

As pointed out in the Consultation Paper only two broadcasters have followed 15% cap. One broadcaster is even offering 85% discount. This needs to be fixed.

**6-7)** Yes, the number of bouquets offered is extremely high. The number of bouquets needs to be reduced.

The number of bouquets could be made proportional to the number of Pay channels in the ratio of 2:1.

**8-9)** Cap on discount needs to be implemented to tackle the high a-la-carte price.

**10-13)** Customers haven't been served to any extent. The number of bouquets on offer has to be reduced with a discount cap introduced.

**14-17)** Discount on Multi TV NCF should be regulated and fixed. Discount on DRP should be allowed if feasible technically. Distributors should be mandated to provide choice of channels for each TV separately in Multi TV connection home.

**18-20)** Upto 12 months. DPO should be allowed to offer discount on both NCF and DRP however with a cap on the discount on LTR. Broadcasters could be allowed to offer discount on MRP if technically feasible.

**21-22)** Yes it is being misused. Channels should be listed in L1:G1, L1:G2 and so on.

**23-25)** Yes DPOs should be allowed to offer promotional offers. Time period and frequency should be similar to that of broadcasters. Time period should be small and frequency less as rates are subject to change from Broadcaster end.

**26-27)** No need. Additional Slab should be removed in one shot. Sun Direct has already done the same.

Source - <https://dreamdth.com/sun-direct-155-channels-rs-130-ncf/>

**28-30)** Yes 25 DD mandatory channels be over and above the One hundred channels permitted in the NCF of Rs. 130. MIB should work on improving the quality of DD channels.

## Other Issues which have not been covered but are relevant to the present consultation.

### 1) Amendment of RIO

According to Sec (9) In the event of any amendment to the reference interconnection offer by a broadcaster under sub-regulation (8), the broadcaster shall give an option to all distributors, with whom it has written interconnection agreements in place, within thirty days from the date of such amendment and it shall be permissible to such distributors to enter into fresh interconnection agreement in accordance with the amended reference interconnection offer, within thirty days from the date of receipt of such option, or continue with the existing interconnection agreement.

**COMMENT – The regulation doesn't make it mandatory for the DPOs to sign the amended RIO as and when it is published. This is highly unfair to the customers who are unable to access the channels at revised rates. Since February many broadcasters prices and bouquets have undergone revision however the same is yet to reach customers as the DPOs are not obligated to sign the new amended RIO unless the existing RIO expires.**

**The time period for amending the RIO and the new price reaching the customer also needs to be fixed. Currently, a minimum period of 2 months is needed for DPOs to implement new rate if it wishes to implement new rate.**

### 2) TRAI Interconnection Regulation 4 (4) Violation

Sec 4(4) directs the distributors of television channels to publish on its website the following among other things.

(d) number of channels for which signals of television channels have been requested by the distributor from broadcasters and the interconnection agreements signed;

(e) spare channel capacity available on the network for the purpose of carrying signals of television channels; and

(f) list of channels, in chronological order, for which requests have been received from broadcasters for distribution of their channels, the interconnection agreements have been signed and are pending for distribution due to non-availability of the spare channel capacity:

Provided that the list of channels in chronological order, under clause (f), shall be prepared on the basis of date and time of receipt of the written request from the broadcaster:

Provided further that for the purpose of calculating spare channel capacity of the distribution network, one high definition channel shall be equal to two standard definition channels:

Provided further that spare channel capacity available on the network under clause (e) shall be the difference between the total channel carrying capacity of the distribution network and numbers of channels available on the distribution network in terms of standard definition channels:

Provided further that any subsequent change, due to addition or reduction in total channel carrying capacity of the distribution network or due to addition of channels on the distribution network or due to discontinuation of existing channels available on distribution the network, shall be reflected in the spare channel capacity:

Provided also that any change in the information, published under this sub-regulation, shall be updated on the website within seven calendar days from the date of occurrence of such change.

**COMMENT - This hasn't been followed by 90% of the DPOs. Only Airtel Digital TV and few MSOs have published the list of channels for which requests have been requested from broadcasters. However the same is not being regularly updated as per the regulation. Spare capacity has been set by 95% of the DPOs as ZERO which is blatantly false and declared so to make a mockery of the regulation. TRAI needs to show cause all DTH/MSO and ensure the regulation is followed to the spirit. Tata Sky, Dish-d2h, Sun Direct and other MSOs have declared N/A for list of channels requested for carriage.**

### 3) Illusory Must Carry Rule for DPOs

(7) Subject to the availability of spare channel capacity on the distribution network, under sub-regulation (4), every distributor of television channels shall, within sixty days of receipt of written request from a broadcaster for distribution of television channel or within thirty days of signing of written interconnection agreement with the broadcaster, as the case may be, carry, on non-discriminatory basis, the signals of such television channel or convey the reasons in writing for rejection of request if the distribution of such television channel is denied to the broadcaster:

**COMMENT- This Must Carry clause has been made illusory due to the sheer mockery of the law by DPOs. DPOs have set Spare Channel Capacity as ZERO which isn't regulated by TRAI making the regulation useless. As rightly pointed out by Discovery in another consultation paper the spare channel capacity needs to be regulated.**

**"Discovery pointed out that the Draft regulation had failed to address the non-regulation of carriage capacity of DPOs under the regulation as it gave them unwarranted and undue discretion in terms of channel selection for its consumer base. Discovery noted that despite the DPOs' unique and important role in the carriage of channels from broadcasters to subscribers, there is an absolute lack of regulation relating to the development of carriage capacity and performance by the DPOs."**

Source - <https://dreamdth.com/discovery-draft-amendment-does-not-secure-the-broadcasters-revenue/>

### 4) Publication of reference interconnection offer by broadcaster for pay channels

(1) Every broadcaster shall publish, on its website, reference interconnection offer, in conformance with the regulations and the tariff orders notified by the Authority, for providing

signals of all its pay channels to the distributor of television channels— (a) within sixty days of commencement of these regulations; and (b) before launching of a pay channel. and simultaneously submit, for the purpose of record, a copy of the same to the Authority.

**COMMENT – While 95% of the broadcasters have followed the rule some broadcasters have failed to do so.**

**a) BBC Global News India Pvt Ltd – RIO is not available on the Internet. Emails sent earlier to TRAI on the same went unanswered.**

**b) Fame Media Pvt Ltd- 4tvNews RIO not publicly available.**

**c) NSTPL – NHK World Premium RIO unavailable since its Teleport NSTPL ran into troubles and website shutdown.**

**It is requested that all FTA channels also be directed to publish their RIOs on their website on the same lines of rules set for Pay channels.**

**Regulatory Compliance on website should be same for Pay and FTA channels.**

**5) Basic Tier Service – BST should carry more than 100 FTA channels as lot of DPOs are offering most of the FTA channels for free.**

Hope my comments are looked into especially the other issues one.