



Telecom Regulatory Authority of India



Consultation Paper

on

Platform Services offered by DTH Operators

28th August, 2019

Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg
New Delhi- 110 002

Written comments on the consultation paper are invited from the stakeholders by 27.09.2019. Counter comments, if any, may be submitted by 11.10.2019. The comments and counter comments will be posted on TRAI's website www.trai.gov.in. The comments and counter comments may be sent, preferably in electronic form to, Shri Arvind Kumar, Advisor (B&CS), Telecom Regulatory Authority of India, on the email cp.sharma64@gov.in.

For any clarification/ information, Shri Arvind Kumar, Advisor (B&CS) may be contacted at Tel. No.: +91-11-23220209

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Chapter I

Introduction

- 1.1 The Television service distribution sector in the country mainly comprises of cable TV services (delivered by Multi-System Operator (MSO)/ Local Cable Operator (LCO), Direct to Home (DTH) services, Internet Protocol Television (IPTV) services, Headend-in-the-Sky (HITS) services, and terrestrial TV services which are provided by Prasar Bharati under the brand name Doordarshan, the public broadcaster.
- 1.2 India has a large base of pay TV subscribers. Predominantly, the pay TV services are being delivered through Cable TV and Direct to Home (DTH) systems. Other modes of TV broadcasting such as Internet Protocol TV (IPTV), Head-end In the Sky (HITS) have miniscule subscriber base as compared to the Cable TV and the DTH systems. There are 4 pay DTH operators (the services of M/s Independent TV have recently been suspended) providing TV services through Addressable Systems in the country. The net active subscriber base of DTH subscribers in March 2019 is reported as 72.44 million.
- 1.3 As the present consultation is primarily concerned with DTH services, it is worth to recall that DTH services were opened in the country in 2001. On 15th March 2001, the Government issued the 'Guidelines for obtaining licence for providing Direct-to-Home (DTH) broadcasting service in India' (hereinafter referred to as 'DTH Guidelines'). These guidelines, inter alia, prescribe the eligibility criteria, the procedure for obtaining the licence to set up and operate DTH services in the country, and the basic terms and conditions/obligations reposed in the operators.
- 1.4 The TV channel distribution platforms re-transmit broadcast TV channels permitted by the Ministry of Information & Broadcasting (MIB) under their Uplinking/Downlinking Guidelines. In addition, TV channel Distribution Platform Operators (DPOs) - cable TV operators (MSO), DTH and HITS operators - provide certain programming services which are specific to each platform and are not obtained from satellite-based broadcasters.

- 1.5 Unlike private satellite TV channels, which are permitted and regulated under the Uplinking/ Downlinking Guidelines of MIB, Platform services (PS) is not subject to any specific regulations or guidelines as of now.
- 1.6 Earlier, the Authority in its Recommendations on Regulatory Framework for Platform Services dated 19 November 2014 had, inter alia, recommended that the definition of PS shall be “Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India.”
- 1.7 MIB, vide their letter dated 02 July, 2019 (**Annexure I** of this Consultation Paper), has sought recommendations of TRAI under section 11 (1) (a) of TRAI Act, 1997 (as amended) on various issues related to platform services with reference to DTH guidelines.
- 1.8 To summarise, all TV channel Distribution Platform Operators (DPOs), i.e. MSOs, DTH and HITS operators, operate certain kind of programming services which are specific to each platform and are not obtained from broadcasters. All these platform specific services being offered by DPOs but not obtained from broadcasters have been referred to as Platform Services (PS). DPOs use PS to offer innovative services and product differentiation. It also acts as unique selling proposition (USP) for DPOs and also helps them in meeting the specific needs of their subscribers. Provisioning of such services also results in an additional source of revenue for the DPOs as they earn revenue not only from their subscription but also from the advertisements transmitted along with such PS.
- 1.9 This Consultation Paper is issued to solicit the comments/views of all the stakeholders on the issues related to PS, so that a proper regulatory framework for PS can be put in place. Chapter II discusses issues relating to certain provisions to be incorporated in DTH guidelines. Chapter III summarises the issues for consultation.

Chapter II

Issues relating to certain provisions to be incorporated in DTH guidelines

Exclusivity of the programme offered as PS by DTH operators

- 2.1 In the reference dated 02nd July 2019, the MIB has mentioned that at the time of registration of the channels as Platform services, whenever exclusive content is uploaded, the DTH operator has to ensure that the broadcaster shall not share the same programme with any other DPO.
- 2.2 TRAI considered the above issue in its earlier consultation process on Regulatory Framework for Platform Services (Consultation Paper No.07/2014 dated 23rd June, 2014) and recommended to the Government in its Recommendations on the subject matter dated 11th November, 2014 that local news and current affairs bulletins will be permissible as PS and that even for airing that programme the DPO must obtain prior permission from the Authorised Officer under the Cable TV Act and also the programme should adhere to the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994. On the sharing of the programme with other DPOs it was recommended that interconnection with other networks for sharing of PS should not be allowed.
- 2.3 The Authority also recommended that MIB should establish a simple online registration system for PS. All DPOs shall register their PS channels with the MIB on this system and that the system shall automatically generate an acknowledgement of the registration of the PS channel. Once registered, the DPO can start providing the PS. It was also recommended that transferability of registration should not be allowed.
- 2.4 Presently PS channels being offered by DPOs are not regulated under any specific guidelines of MIB. DPOs operate them as per their own understanding of the terms and conditions of their respective registrations/ licenses/ agreements. Some programs transmitted by

DPOs through these PS channels are similar to the programs transmitted by regular TV channels.

- 2.5 A relevant question would be how the DPO would ensure that the programme broadcasted by it conforms to the Programme Code/Advertisement Code as recommended by the Authority in its recommendations dated on 11th November, 2014. The Authority considered this issue during the consultation process culminating in the recommendations of the 11th November, 2014 and it was recommended that any DPO offering PS retain, with itself, a recording of all PS channels programs for a period of 90 days; a written log/register should also be maintained about such program for a period of 1 year from the date of broadcast. The recording and the register can be examined by the Authorised Officer and the State/ District Monitoring Committee appointed by the MIB as and when, if required. For PS distributed on a pan-India basis MIB should be the monitoring agency.
- 2.6 DTH service providers have pan-India presence. As has been mentioned in the previous Chapter, the programmes for the DTH services are of two kinds; one, in the form of regular TV channels (with no exclusivity) and the other as self produced or sourced from outside and may be an exclusive program. It follows that if the programme is exclusive to one DTH operator, it should not be available to any other DTH operator; otherwise it would become another broadcaster channel and lose the tag of PS. It seems that considering these issues, MIB vide its letter dated 02nd July, 2019 have sought recommendations of TRAI on the aspect of putting onus on the DTH operator to ensure that the same program should not be shared by the broadcaster with other DTH operators so as to maintain the exclusivity.
- 2.7 There has been a debate as to whether PS channels should be categorized as a broadcast 'channel' in a conventional sense or whether they are to be categorized and treated as Value Added Services (VAS) tailored to the specific needs of consumers. It has also been argued that non-regulated supply of such services by DPOs is trespassing into the domain of regular TV channels. Therefore, it is essential to distinguish such services as distinct from regular TV broadcasting.

- 2.8 Broadcast TV channels are normally characterized by continuous dissemination of programmes with a linear time schedule and are uplinked for general distribution to all subscribers through DPOs. Whereas in many cases PS channels are triggered by a specific need or demand of consumers in an interactive fashion. PS channels offered by a particular DPO available to the subscribers of that particular DPO only. In many cases, the programs offered through PS channels are thematically distinct from regular TV channel programs.
- 2.9 PS channels being offered by the DTH operators generally include music, movies, news, devotional, entertainment, local news, live events, teleshopping, kids programs, serials, documentaries, regional programs, local plays, infotainment, market news, educational, and interactive games. Some of these programs are distinct from the programs offered on registered TV channels while many of them are similar. Digitization has paved the way for introduction of more specialized VAS on cable TV platform also. DTH operators offer Movie on Demand (MoD) and Pay per View (PPV) kind of services to their own subscribers.
- 2.10 During the earlier consultation process it has emerged in the discussions that to ensure that PS channels remain distinct from the registered TV channels permitted under uplinking/ downlinking guidelines and do not trespass the domain of broadcasters either overtly or covertly, certain provisions should be there regarding the composition of PS channels.
- 2.11 Since for programmes transmitted through PS channels, the main responsibility of ensuring compliance to stipulated terms and conditions would vest on the DPOs, it becomes essential that the entity offering the PS channels is legally responsible and registered under an appropriate regulatory framework. In view of the above, it is for the consideration of stakeholders that how to ensure that the programme that appears in the PS of a DTH operator remains exclusive to it only and is not available to other DPOs. Can there be a condition prescribed for DTH operators that at the time of registration of the PS channels they will ensure that the

producer/distributor of the programme shall not share the same programme with other DPOs. The Stakeholders' views are solicited on the following:

Question 1: Do you think programmes of the PS should be exclusively available on one single DTH operators' network only to qualify as a PS channel for the DPO ? Should there be any sharing of such programmes with other DPOs ? If yes, please provide justification and if no, the reasons thereof.

Question 2: In case answer to Question 1 is no, how it can be ensured that programmes of the PS are exclusively available only on single DTH operators' network? What conditions are to be imposed in registration/license/guidelines?

Question 3: Is there a need to revisit/review the earlier recommendations of the Authority dated 11th November, 2014, relating to keeping recording of all PS channel programs for a period of 90 days and maintaining a written log/ register of such program for a period of 1 year by the DPO from the date of broadcast and the role of Authorised Officer and the State/ District Monitoring Committee and MIB as monitoring authorities.

Registration Fee

2.12 The MIB in the reference also asked recommendation on whether the one-time registration fee can be considered for enhancement to Rs. 1 Lakh per PS channel as against Rs. 1000 per PS channel proposed by the Authority.

2.13 The issue of quantum of annual fee was considered by TRAI in its consultation paper dated 23rd June, 2014 and after following the due process, the Authority came to the conclusion that in terms of the downlinking guidelines, in addition to a processing fee of ₹10,000 for

registration of the channel, the applicant company is required pay annual fee at the rate of ₹ 5 lakhs per channel per annum for the downlinking of a TV channel uplinked from India. However, in the case of PS, an annual fee may not be justifiable as the PS channels have a limited clientele i.e. limited to the DPO's own subscriber base. It was recommended vide the Recommendations dated 19th November, 2014 that a nominal one-time registration fee of ₹1000 per PS channel may be appropriate to take care of the administrative costs.

2.14 The downlinking guidelines prescribe payment of fee by the private satellite TV channels. As per the downlinking guidelines, the Company seeking permission to downlink channels, uplinked from other countries, into India shall pay a permission fee of Rs 10 lakhs at the time of grant of permission. In addition, the Company shall pay a permission fee for Registration of channels as follows:-

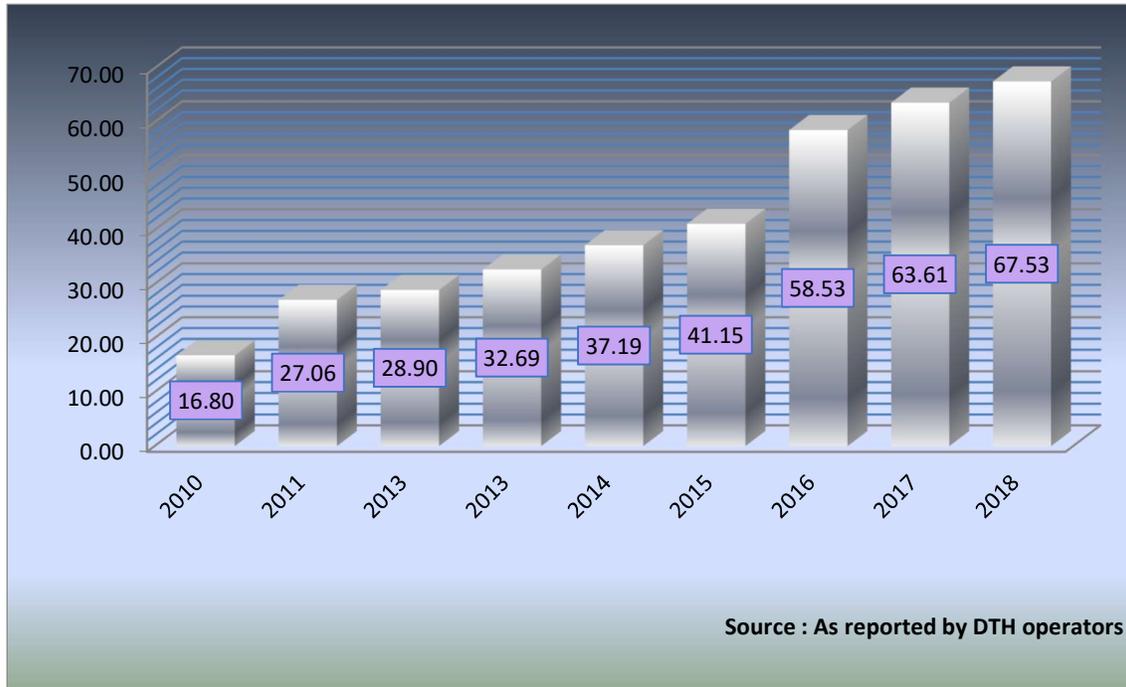
- Rs. 5 lakhs per channel per annum for Downlinking of Television Channel uplinked from India.
- Rs. 15 lakhs per channel per annum for Downlinking of Television Channel uplinked from abroad.

2.15 One may argue that the registration fee should be comparable to the fee applicable on broadcasters for downlinking the channels. However, it is important to note that Broadcasters' private satellite TV channels are available for distribution through all the DPOs to the subscribers. However, PS channels are restricted to subscribers of the concerned DPO only.

2.16 Other may argue that the fee charged in the case of PS channels should not be compared with registered channels permitted under downlinking guidelines.

2.17 In any case TRAI has provided its recommendations in 2014, long back, it would be appropriate to consult the stakeholders in the matter again. Moreover, there has been a steady growth in the in the overall subscriber base of pay DTH operators as depicted in the Figure 1 below.

Figure-1: Annual growth in net active subscriber base of pay DTH sector (In Millions)



2.18 Apropos the above discussion, the issue for consultation would be what should be the registration fee/annual fee for PS per channel.

Question 4: What should be the Registration fee/Annual fee for PS per channel? And how it is to be estimated ?

Maximum No. of PS channels that can be offered by DTH operators

2.19 In the reference, MIB has also asked to reconsider the maximum number of PS channels that a DTH operator can offer keeping in view that it is so far unregulated. The MIB has also provided number of PS channels offered by the DTH operators as given below:

| Table 1 : PS channels offered by DTH operators as mentioned in the MIB letter dated 2nd July, 2019 | |
|---|--|
| DTH operator | No. of PS Channels |
| Airtel | Airtel – 26+ 24- information and promotional services, out of which 12 for ‘Airtel make your pack’ (as per new TRAI tariff order) |
| Sun Direct (May 2019) | 4 (movies being telecast in Tamil, Telugu, Malyalam & Kannada language) 1- Information service. |
| Dish | 40 |
| Tata Sky | 41 |
| Independent TV (presently Suspended) | NIL |

2.20 The above issue was considered in the consultation process in June, 2014 and after ascertaining the views of stakeholders on the issue, the Authority in its recommendations dated 19th November, 2014 recommended a maximum of 15 PS channels that could be offered by the DPOs which includes DTH operators .

2.21 The DTH operators have, as on 30th June, 2019, reported to TRAI the following number of PS channels (Table 2) that are being offered by these operators.

| Table 2: No. of PS Channels offered by DTH Operators as on 30th June 2019 | |
|---|--|
| Name of the Service Provider | No. of PS Channels as reported to TRAI by the DTH Operators as on 30th June 2019 |
| Airtel | 25 |
| Sun Direct (May, 2019) | 7 |
| Dish | 20 |
| Tata Sky | 42 |
| Independent TV (March, 2019) (presently suspended) | NIL |

2.22 A relevant issue would also be there relating to rates of the PS channels. It has been the experience of the subscribers that DTH operators have PS channel prices ranging between as high as Rs. 99 and as low as Rs.10 and some are offered free also. In such a situation it would be relevant to seek views of the stakeholders on the need or otherwise of regulating the rates of the PS channels specifically in the view of the fact that the reach of the PS channel is limited to the subscriber base of a particular DTH operator only and that too a subscriber with a specific taste would subscriber to such channels.

2.23 It would be interesting to note that DTH operators have declared their Channel Capacity as mentioned in Table 3 below. From the Table 3 it can be seen that DTH operators have declared no Spare Capacity. It is a known fact that there exists a channel capacity constraint in DTH sector as it is limited by the transponder capacity.

Table 3: Channel Capacity declaration by DTH operators as per compliance under Reg. 4 (4) of Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017.

| DTH Operator | Capacity Declared | Spare Capacity |
|---|--|-----------------------|
| Tata Sky | 681 channels | NIL |
| Airtel | SD-544 channels Hd-84 channels Interactive services-4 channels Game service-1 channel | NIL |
| Independent TV (presently Suspended) | 300 channels | NIL |
| Dish TV | 479 channels | NIL |

2.24 Stakeholders may also make a reference to Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable

Systems) Regulations, 2017, dated 3rd March 2017, wherein in clause 4 (7) the following has been provided:-

*“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: Provided that imposition of any term or condition by the distributor of television channels, which is unreasonable, shall be deemed to constitute a denial of request: Provided further that nothing contained in this sub-regulation shall apply to a broadcaster who refuses to pay the carriage fee to the distributor of television channels or who is in default of payment to the distributor and continues to be in such default.”*

2.25 As per the above provisions of the Interconnection Regulations, depending upon the availability of spare channel capacity, DPO has to ‘must carry’ the channel of a broadcaster. However, as has been brought out in Table 3 above, almost all of the present DTH operators have declared no spare capacity whereas as brought out in Table 2 above, all of the DTH Operators are having PS channels and some of them are having as high as 42, 25 and 20 such channels. In such a situation, availability of such a high number of PS channels provide more than enough ground to exploit the position of channel capacity constraints as mentioned in the preceding paragraph. Clearly, there is a need for regulating maximum number of PS channels that can be permitted to be offered by the DTH operators. Allowing higher provision of PS channels can be manipulated and exploited to defeat the ‘must carry’ provisions. Thus, to obviate such an exploitable situation to develop, there exists a good case for restricting number of PS channels to be permitted to be offered by DTH operators.

- 2.26 As the purpose of granting permission/ registration/ license to DPOs is distribution of TV channels covered under uplinking/ downlinking guidelines, it is essential that the major portion of the distribution capacity of these platforms is used for the intended purpose. A small portion of this distribution capacity may be used for PS so as to meet the specific need of the subscribers of these DPOs. This also leaves room for innovation by any individual DPO.
- 2.27 Accordingly there is a need to limit the number of PS channels offered by the DPO. This limit may be specified as a % of total number of channels offered by that DPO or a fixed number (say n no. of channels) or a combination of above i.e. a % of total number of channels offered or a fixed number, whichever is lower. In view of the above, Stakeholders are requested to give their valuable comments on the following:

Question 5: How many PS channels are to be allowed to DTH Operators ? and Why ?

EPG to contain PS channels on a separate sequence number from the regular channels.

- 2.28 MIB in the reference also asked the Authority's recommendation on Platform Service could be sequenced separately from the regular channels and should be included along with other value added channels by the DTH operators.
- 2.29 The EPG of DPOs lists out the channels available on the network of a particular DPO under various genres. DPOs are free to allot/allocate sequence number of various channels as per their consumer convenience.
- 2.30 Clause 18 of the Interconnection Regulations dated 3rd March, 2017 provides for EPG the following:-

***“18. Listing of channels in electronic programme guide. (1)
Every broadcaster shall declare the genre of its channels and such***

genre shall be either 'Devotional' or 'General Entertainment' or 'Infotainment' or 'Kids' or 'Movies' or 'Music' or 'News and Current Affairs' or 'Sports' or 'Miscellaneous'.

(2) It shall be mandatory for the distributor to place channels in the electronic programme guide, in such a way that the television channels of same genre, as declared by the broadcasters, are placed together consecutively and one channel shall appear at one place only:

Provided that all television channels of same language within the same genre shall appear together consecutively in the electronic programme guide:

Provided further that it shall be permissible to the distributor to place a channel under sub-genre within the genre declared for the channel by the broadcaster.

(3) Every distributor of television channels shall assign a unique channel number for each television channel available on the distribution network.

(4) The channel number once assigned to a particular television channel shall not be altered by the distributor for a period of at least one year from the date of such assignment:

Provided that this sub-regulation shall not apply in case the channel becomes unavailable on the distribution network:

Provided further that if a broadcaster changes the genre of a channel then the channel number assigned to that particular television channel shall be changed to place such channel together with the channels of new genre in the electronic program guide.”

2.31 From the above provisions of Interconnection Regulations, it is apparent that for the regular TV channels there exists an elaborate system of listing the channels in a specified genre as declared by the broadcaster and a unique number is to assigned to each channel and also that this number cannot be changed for a year. However, it has been the experience that while assigning unique number to a channel, sequence of channels is such that DTH operators many a times mix the sequence number of regular TV channels with their own PS channels.

2.32 The issue of consultation that emerges is that whether PS channels should have a unique sequence number so as to distinguish such channels from regular TV channels. There is another related issue regarding inclusion of PS channels under the 'PS' or *Value Added Services* so as to distinguish them from the regular TV channels. One way could be that since PS channels are not regular TV channels, there is a need for keeping such channels separate from the regular TV channels. Therefore, these channels should be sequenced separately and should be displayed separately under the 'PS' or 'Value Added Services' heading.

Question 6: Whether PS channels should be placed separately on EPG to distinguish them from regular TV channels? If yes, how these channels are to be placed?

Platform Services to be displayed in a particular caption size

2.33 MIB in the reference also asked Authority's recommendation on 'Platform Services' as a caption should be displayed in a size to be notified by the Government, to distinguish these from regular channels.

2.34 As mentioned in earlier paragraph, there is already provisions for EPG and how the channel sequence number is to be assigned. Considering the fact that PS channels should be, as a category, displayed separately from regular TV channels, should there be any provision for displaying the name and sequence number of PS channels in a particular font size under the heading PS or Value Added Services so as to distinguish them from the regular TV channels. The distinction may be consumer friendly as it would help the consumer in making an informed choice to subscribe to PS channels or regular TV channels. Another issue for consultation would be should Government issue a notification stipulating therein the font size of the sequence number of PS channels so as to distinguish them from regular TV channels.

Question 7: Should there be any provision for displaying name and sequence number of PS channels in a particular font

size under the heading ‘PS’ or ‘Value Added Services’ on TV screen so as to distinguish them from the regular TV channels ? If yes, please provide justification.

Activation/Deactivation of PS channels

2.35 MIB in the reference also sought the Authority’s recommendation on whether there should be a provision/option for the subscribers to activate/de-activate any Platform Service Channel.

2.36 In the Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017, dated 3rd March, 2017, the procedure for activation and deactivation of channels has been prescribed. The following are the relevant provisions.

“6. Subscription of channels/bouquets— Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, activate requested channel or bouquet available on its platform, as soon as possible, but not later than seventy two hours:

Provided that the charges for requested channel or bouquet shall be payable by the subscriber from the date of activation of such channel or bouquet.

7. Deactivation of channels/bouquets from subscription.— Every distributor of television channels or its linked local cable operator, as the case may be, shall, upon receiving a request from a subscriber, deactivate the requested channel or bouquet from the subscription of such subscriber as soon as possible, but not later than seventy two hours:

Provided that it shall be permissible for the distributor, to refuse such deactivation request if the subscription of such channel or bouquet is within a lock-in period which was declared by the distributor on its website and informed to the subscriber at the time of subscription of such channel or bouquet:

Provided further that in case of refusal of deactivation request, the distributor shall communicate the reasons of such refusal to the subscriber through Short Message Service (SMS) to his registered

mobile number and through such other means of communication which may be deemed appropriate by the distributor.”

2.37 Since the provisions already exists in the Quality of Service Regulations dated 3rd March, 2017 regarding activation/deactivation of TV channels, hence that the same regulations can be applied to PS channels.

In any case, for ease at the subscriber level, there is a need of provision for activation or de-activation of any PS channel at subscriber end.

Specific genre of PS channels

2.38 MIB has mentioned in the reference that TRAI may give its suggestions on specific genre of Platform Services Channels.

2.39 Similar issue was considered by the Authority in its recommendations dated 19th November, 2014 and it was recommended that the Platform services are to be defined as programs transmitted by DPOs exclusively to their own subscribers and does not include Doordarshan channels and registered TV channels and that PS shall not include foreign TV channels that are not registered in India. It was also recommended that in so far as carrying local news and current affairs bulletins on PS is concerned, the following categories will be treated as non-news and current affairs broadcast and will, therefore, be permissible:

- (i) Information about local events and other local affairs, sourced locally and not obtained from news agencies or from broadcast news channels/ sources;
- (ii) Information pertaining to sporting events, excluding live coverage. However live commentaries of sporting events of local nature may be permissible, if broadcasting rights for the same are not held by anyone else;
- (iii) Information pertaining to Traffic and Weather;
- (iv) Information pertaining to and coverage of cultural events, festivals;

- (v) Coverage of topics pertaining to examinations, results, admissions, career counselling;
- (vi) Availability of employment opportunities; and
- (vii) Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration. In addition, the Authority recommends that the DPO obtain prior permission from the Authorised Officer in this regard and that the State Governments should not charge any fees for according such permission. Any DPO offering PS must ensure full adherence to the Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994.

2.40 To ensure that PS channels remain distinct from the registered TV channels and do not trespass the domain of broadcasters either overtly or covertly, certain provisions should be there regarding the composition or genre of PS channels. Can PS channels be a genre in itself. The PS channels provide uniqueness to the DPOs. One view can be that there should be uniformity across the DTH operators to categorise the PS channels under certain specific genre such as devotional, sports, music etc.

Question 8: Should PS channels be also categorised in specific genre such as ‘Devotional’ or ‘General Entertainment’ or ‘Infotainment’ or ‘Kids’ or ‘Movies’ or ‘Music’ or ‘News and Current Affairs’ or ‘Sports’ or ‘Miscellaneous’? Please provide proper justification for your answer.

Chapter III
Summary of Issues for Consultation

- Q 1: Do you think programmes of the PS should be exclusively available on one single DTH operators' network only to qualify as a PS channel for the DPO ? Should there be any sharing of such programmes with other DPOs ? If yes, please provide justification and if no, the reasons thereof.**
- Q 2: In case answer to Question 1 is no, how it can be ensured that programmes of the PS are exclusively available only on single DTH operators' network? What conditions are to be imposed in registration/license/guidelines ?**
- Q 3 : Is there a need to revisit/review the earlier recommendations of the Authority dated 11th November, 2014, relating to keeping recording of all PS channel programs for a period of 90 days and maintaining a written log/ register of such program for a period of 1 year by the DPO from the date of broadcast and the role of Authorised Officer and the State/ District Monitoring Committee and MIB as monitoring authorities.**
- Q 4: What should be the Registration fee/Annual fee for PS per channel? And how it is to be estimated ?**
- Q 5: How many PS channels are to be allowed to DTH operators ? and Why ?**
- Q 6: Whether PS channels should be placed separately on EPG to distinguish them from regular TV channels ? If yes, how these channels are to be placed ?**
- Q 7: Should there be any provision for displaying name and sequence number of PS channels in a particular font size under the heading 'PS' or 'Value Added Services' on TV screen so as to distinguish them from the regular TV channels ? If yes, please provide justification.**

Q 8: Should PS channels be also categorised in specific genre such as 'Devotional' or 'General Entertainment' or 'Infotainment' or 'Kids' or 'Movies' or 'Music' or 'News and Current Affairs' or 'Sports' or 'Miscellaneous'? Please provide proper justification for your answer

Q 9: Stakeholders may also provide their comments on any other issue relevant to the present consultation.

Glossary

| Abbreviation | Description |
|---------------------|--|
| CP | Consultation Paper |
| DAS | Digital Addressable Systems |
| DPO | Distribution Platform Operators |
| DTH | Direct-to-Home |
| HITS | Headend-in-the-Sky |
| IPTV | Internet Protocol Television |
| LCO | Local Cable Operators |
| MIB | Ministry of Information & Broadcasting |
| MoD | Movie-on-Demand, |
| MSO | Multi System Operators |
| PPV | Pay per View |
| PS | Platform Service |
| TRAI | Telecom Regulatory Authority of India |
| TSP | Telecom Service Provider |
| VoD | Video on Demand |
| VaD | Value Added Services |
| USP | Unique Selling Proposition |

No.3/1/2014-BP&L(Vol.III)
Government of India
Ministry of Information and Broadcasting
(BP&L Division)

Shastri Bhawan, New Delhi-110001
Dated, the 2nd July, 2019

To

Shri Sunil K Gupta
Secretary,
TRAI,
Mahanagar Doordarshan Bhawan,
New Delhi

Subject:-Recommendation of TRAI for new provisions to be incorporated in proposed DTH guidelines - regarding

Sir,

I am directed to refer to this Ministry's letter No. 3/1/2014-BP&L (Vol.II)(1) dated 12-09-2018 on the above noted subject and letter No.4-6/2018-B&CS(2) dated 04-10-2018 from TRAI. The Ministry, as you are aware, is in the midst of revision of some of the clauses of the DTH guidelines based mainly on the recommendations dated 23/7/2014 of TRAI on "issues related to new DTH licenses". During consideration of the guidelines, the issue regarding own channels of DTH Operators was also brought out wherein TRAI had stated that the issues raised by MIB have already been addressed by TRAI in its recommendations on "Regulatory Framework for Platform Services" dated 19.11.2014. The Ministry is broadly in agreement with the TRAI recommendations on "Regulatory Framework for Platform Services". The matter has been further deliberated in the Ministry. TRAI may consider inclusion of the following regarding Platform Services (PS) with reference to DTH guidelines:

- I. In case of DTH operators, since these have pan-India presence, it could be made very clear at the time of the registration of the said Platform Services channels that whenever exclusive content shall be uploaded by the DTH operator on Platform Service, he has to ensure that the broadcaster shall not share the same content with any other Distribution Platform Operator.
- II. The one time registration fee can be considered for enhancement to Rs. 1 Lakh per PS channel as against Rs.1000 per PS channel proposed.
- III. TRAI may reconsider the maximum number of PS channels that a DTH operator can offer keeping in view that it is so far unregulated and as on date the number of channels being shown by the DTH operators are as follows:-
 - I. Tata Sky - 41

2. Dish TV – 40
3. Airtel – 26+

24 – informational and promotional services, out of which 12 for 'Airtel make your pack' (as per new TRAI tariff order)

4. Sun Direct – 4 (movies being telecast in Tamil, Telugu, Malayalam & Kannada languages)

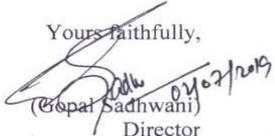
1- Information service.

5. Reliance Big TV (now Independent TV) – Nil

- IV. Platform Services could be sequenced separately from the regular channels and should be included along with other value added channels by the DTH operators.
- V. 'Platform Services' as a caption should be displayed in a size to be notified by the Government, to distinguish these from regular channels.
- VI. There should be a provision/option for the subscribers to activate/de-activate any Platform Service Channel.
- VII. TRAI may give its suggestions on specific genre of Platform Services channels.

2. It is, therefore, requested that TRAI may kindly furnish its recommendations on the aforesaid issues at an early date.

Yours faithfully,



(Gopal Sadhwani)

Director

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