

**Comments by DEN Networks Ltd. on the
TRAI Consultation Paper on Regulatory Framework for Platform Services,
23rd June 2013**

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

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

DEN:- The definition should not limit the services to own subscriber therefore the word “exclusively to their own” should be replaced with “Cable TV”

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

1. PS channels cannot transmit/ include

2.1.1 Any news and/or current affairs programs,

DEN :- It can transmit news or current affairs programs provided such are not in violation of Programming Code & the Advertisement Code, as prescribed in the Cable Television Network (Regulation) Act, 1995. Further, emphasis should be placed on covering local news.

2.1.2 Coverage of political events of any nature,

DEN :- It can cover and transmit political events however such events should not threaten public order or state security.

2.1.3 Any program that is/ has been transmitted by any Doordarshan channels or TV channels permitted under uplinking/ downlinking guidelines, including serials and reality shows,

DEN :- It can be transmitted with permission of the copyright holder of the program

2.1.4 International, National and State level sport events/ tournament/ games like IPL, Ranji trophy, etc.-

DEN :- It can transmit such sporting events / tournaments/ games etc provided permission has been sought from the appropriate authorities.

2. PS channels can transmit/ include

2.2.1 Movie/ Video on demand -

DEN :- It can retransmit with the permission from the screening rights holder of such movie/video.

2.2.2 Interactive games, -

DEN :- It can be provided.

2.2.3 Coverage of local cultural events and festivals, traffic, weather, educational/ academic programs (such as coaching classes), information regarding examinations, results, admissions, career counseling, availability of employment opportunities, job placement. -

DEN :- Yes, for the simple reason that such events does not get coverage by other satellite channels and hence local channel should cover them. Another important reason is that such information is in public interest and it draws viewer attention because they are interested in viewing information about their immediate locality and events happening in their surrounding areas.

2.2.4 Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration. -

DEN :- Yes. Because this information is in Public interest and for the same reasons mentioned above.

2.2.5 Information pertaining to sporting events excluding live coverage. -

DEN :- Yes

2.2.6 Live coverage of sporting events of local nature i.e. sport events played by district level (or below) teams and where no broadcasting rights are required. -

DEN :- Yes

3. What should be periodicity of review to ensure that the PS is not trespassing into the domain of regular TV broadcasters?

DEN :- It should be half yearly.

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?

DEN :- It should be registered so as to bring uniformity in the legal status, standards of work and quality of PS offered by DPOs and ensuring compliance to stipulated terms and conditions for DPOs.

5. Views, if any, on FDI limits?

DEN :- MSOs registered under the Cable TV Act and Companies Act can access foreign investment limits up to 74% with 49% under automatic route under revised FDI norms of the Government of India. To address the anomaly of FDI in 'news and current affairs' category of programs & coverage of political events, the FDI limit should be the same as mentioned above for MSOs.

6. Should there be any minimum net-worth requirement for offering PS channels? If yes, then what should it be?

DEN :- Yes, the minimum net-worth requirement for offering PS channels should be 5 (five) crores.

7. Do you agree that PS channels should also be subjected to same security clearances/ conditions, as applicable for private satellite TV channels?

DEN :- MSO registered under Rule 11C of Cable Television Network Rules, 1994 already have the security clearance thus it should not be made mandatory for those MSOs.

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

DEN :- Permission under Rule 11C of Cable Television Network Rules, 1994 is granted for a period of 10 years and renewal of permission may be considered for a period of 10 years at a time subject to certain conditions. On the similar lines Period of validity of registration for the PS channels with MIB through an online process should be of 10 years. Instead of Annual fee, the fee for permission period should be 1 (one) lakh.

9. What is your proposal for renewal of permission?

DEN :-After every 10 years along with the renewal of their permission under the Cable Television Networks (Regulation) Act, 1995, permission can also be renewed.

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

DEN :-There should be no limits in terms of geographical area.

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?

DEN :-Yes, there should be a limit on the number of PS channels which can be operated by a DPO and it should ideally be not more than 10% of the channel carrying capacity.

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;

DEN :-Yes

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;

DEN :-Yes

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

DEN :-Yes

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

DEN :-DPOs should not transmit programs which violate copyright laws.

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?

DEN :-Yes. Ideally, that should be allowed without imposing any restrictions.

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

DEN :-DPO may keep a record of programs for a period of 30 days and produce the same before any agency of the Government as and when required. For monitoring of content on PS channel on day to day basis. MIB vide order No. F 1203/1/2007-BCII dated 19.02.2008 has already constituted monitoring committees for private TV channels at state and district levels. The same can be extended to the monitoring of 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.

DEN :-Similar penal provisions be imposed on DPOs offering PS channels.

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?

DEN :-No amendment needed for the MSO registered under Rule 11C of Cable Television Network Rules, 1994 as the permission itself says that MSOs have to comply with the Programme & Advertisement Code under the Cable Television Network (Regulation) Act, 1995.

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?

DEN :- 3 (three) months' time limit

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.