

Digicable's Response to Consultation Paper on Regulatory Framework for Platform Services

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.”

Digicable's Response

“Platform services (PS) are programs which includes Local Cable Channels which broadcast/transmits local programming, local news and current affairs, movies, serials, music, live events, kids programming, animation, travel, religious, reality shows etc. created, produced , developed by the Distribution Platform Operators (DPO) and/or by a third party and transmitted by the DPO or the Last Mile Owner (LMO)(as authorized by its DPO) exclusively to its own subscribers and does not include Doordarshan channels and TV channels permitted under downlinking guidelines.”

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

1. PS channels cannot transmit/ include

2.1.1 Any news and/or current affairs programs,

2.1.2 Coverage of political events of any nature,

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,

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

Digicable's Response

PS channels cannot transmit/ include

2.1.1 Any News and current affairs programming of Domestic and International, save and except Local News and Local Current Affairs since local/panchayat/gram sabha level news and current affairs should be given adequate platform for airing their views and concerns which is not covered by the National/ Regional/ State level news channels.

2.1.2 Coverage of political events of Domestic and International nature, save and except Local Political events since local/panchayat/gram sabha level Political events and issues should be given adequate platform for airing their views and concerns which is not covered by the National/ Regional/ State level news channels.

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 except where authorization/rights are obtained for local transmission as PS.

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

2. PS channels can transmit/ include

2.2.1 Movie/ Video on demand

2.2.2 Interactive games,

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.

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

2.2.5 Information pertaining to sporting events excluding live coverage.

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.

Digicable's Response

PS channels can transmit/ include

2.2.1 Movie, Video on demand, Serials & Programs already telecast on TV

2.2.2 Interactive games,

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.

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

2.2.5 Information pertaining to sporting events excluding live coverage.

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.

2.2.7 Local news, local current affairs and local Political events

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

Digicable's Response

While we appreciate the endeavour to review non-trespassing of PS into regular TV broadcasters domain, this should be viewed in the light of feasibility of this exercise. We understand that there are more than 7000 MSOs and it will be practically very difficult to review such trespassing and therefore self regulation be advised and promoted as with the regular broadcasters. However, to ensure transparency our view is that an ad-hoc review with prior intimation be conducted as required by the Regulator.

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?

Digicable's Response

Yes, it should be mandatory for all DPOs to be registered as Companies under the Companies Act to be allowed to operate PS.

5. Views, if any, on FDI limits?

Digicable's Response

We propose NO FDI in non-news PS. However, for local news and current affairs we propose the same limits as prescribed for National news channels.

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

Digicable's Response

No there should be no minimum net worth requirement for offering PS channels

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

Digicable's Response

Not required for non-news channels. However, for local news and current affairs there should be security clearances/conditions as applicable for private satellite news channels.

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?

Digicable's Response

It should be renewed every two years. There should be no Annual fee levied on PS as most of the PS channels cater to very small or local audiences.

9. What is your proposal for renewal of permission?

Digicable's Response

PS permission to be renewed through a simple online process.

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

Digicable's Response

No, there should be no limit in terms of geographical area for PS channels

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?

Digicable's Response

No, there should be no limit as it would affect diversity and plurality of views and stifle creativity.

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

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

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

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

Digicable's Response

Agree to all the above points.

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

Digicable's Response

None.

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?

Digicable's Response

Yes, they should be allowed to carry FM channels. There should be no restriction on numbers of channels.

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

Digicable's Response

Considering the sheer number of LMOs and DPOs each of which carries multiple channels, it would be non-feasible to monitor PS channels. Further, approximately 70% of the Cable TV universe covers small towns and villages where the service is provided by small independent operators who have limited financial capabilities and yet offer PS channels for their subscribers. Hence, any mechanism for monitoring of PS channel will add additional financial burden for the operator and make his business unviable.

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.

Digicable's Response

YES.

However, if any content/programming produced and created by any entity other than the DPO is carried/re-transmitted by the DPO as a Platform service for the benefit of its own subscriber then the person/entity creating the content and not the DPO should be held responsible for any violation of programming code and terms and conditions of their permissions.

In addition, a notice for violation of terms and conditions with reasonable time to reply be given to the DPO and/or the content creator to respond to the violations and give an additional time to rectify/remedy the said violation.

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?

Digicable's Response

The inputs provided in point number 4, 5, 6, 7, 8, 9 and 12 be considered as our recommendations for regulating PS channels.

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?

Digicable's Response

Six months should be granted to DPOs for registering their PS channels and bring them in conformity with the proposed regulatory framework once it is notified by MIB.

19. Stakeholders may also provide their comments on any other issue relevant to the present consultation including any changes required in the existing regulatory framework.

Digicable's Response

None.