



भारतीय दूरसंचार विनियामक प्राधिकरण
महानगर दूरसंचार भवन, जवाहर लाल नेहरू मार्ग,
(पुराना मिनटो रोड), नई दिल्ली-110002

TELECOM REGULATORY AUTHORITY OF INDIA
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Dated 29th July, 2009

Subject: Direction to DTH operators, IPTV service providers and HITS operators under section 13 of the TRAI Act, 1997 regarding compliance of amended procedure for filing of details of interconnect agreements.

No.6-6/2009-B&CS.----- Whereas in exercise of the powers vested in it under section 36 read with sub-clauses (iv), (vii) and (viii) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the 'Act'), the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority") has made the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), [hereinafter referred to as the principal regulations] published in the Gazette of India, Extraordinary, Part-III, Section 4, as No.197, dated the 31st December, 2004;

2. And whereas the principal regulations have been amended, *inter alia*, by the Register of Interconnect Agreement (Broadcasting and Cable Services) (Second Amendment) Regulation, 2005 (12 of 2005) dated 2nd December, 2005 and the Register of Interconnect Agreement (Broadcasting and Cable Services) (Third Amendment) Regulation, 2006 (3 of 2006) dated the 10th March, 2006;

3. And whereas -----

(a) by the Register of Interconnect Agreement (Broadcasting and Cable Services) (Second Amendment) Regulation, 2005 (12 of 2005), regulations 5 and 6 of the principal regulations, which specify the manner in which the information relating to the interconnect agreements is required to be furnished to the Authority by the broadcasters, were amended with a view to enabling the Authority to specify the procedure in regard to the manner of filing of data or information, the form or formats of filing, the number of copies to be filed and such other procedural issues connected to the filing of details of interconnect agreements through a simplified process; and

(b) by the Register of Interconnect Agreement (Broadcasting and Cable Services) (Third Amendment) Regulation, 2006 (3 of 2006), regulations 5-A and 6-A were inserted in the principal regulations requiring all direct to home operators also to register with the Authority the interconnect agreements entered into by them and further enabling the Authority to specify the procedure in regard to the manner of filing of data or information, the form or formats of filing, the number of copies to be filed and such other

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29/7/09

procedural issues connected to the filing of details of interconnect agreements through a simplified process;

4. And whereas in exercise of the powers vested in it under section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), for the discharge of functions under clause (b) of sub-section (1) of section 11 of the said Act, read with the Register of Interconnect Agreement (Broadcasting and Cable Services) (Third Amendment) Regulation, 2006 (3 of 2006), the Authority had issued Direction No. F.No.6-1/2005-B&CS dated the 27th April, 2006 to all DTH operators, prescribing the following procedure for filing of interconnection agreements by the DTH operators, namely:-

“ i) The Direct to Home Operators shall furnish by 30th April every year a copy of signed agreement/contract/Memorandum of Understanding containing details of interconnect agreements as specified under clause 6A of the amendment regulation of 10.03.2006 as updated upto 31st March of that year in print form, with every page duly authenticated by an authorised representative.

A copy of the data furnished in print form indicated in (i) above will also be filed in electronic form through a non-writable CD duly signed by an authorised representative, in Microsoft Word format.

ii) The data as furnished above would be updated and filed every quarters (i.e.) for the quarter ending June 30th by July 31st; for the quarter ending September 30th, by October 31st; and for the quarter ending 31st December, by 31st January. This subsequent quarterly filing shall be both in print and electronic form through a CD duly signed by an authorised representative.”

and copies of the said Direction were forwarded to M/s Dish TV (M/s ASC Enterprises Ltd.) and M/s Tata Sky (the then existing DTH operators) separately on the 27th April, 2006 and on the 17th May, 2006, respectively, and a copy of the said Direction to all direct to home operators was also placed on the website of the Authority;

5. And whereas, the Authority noted that although the process of signing of interconnection agreements continues throughout the year on account of agreements with new distributors of TV channels, launch of new channels and bouquets of channels, amendments in terms and conditions of existing agreements, etc, but the industry practice is largely to sign Interconnection Agreements on annual basis, mainly for a calendar year or for the financial year and in case of DTH, this duration is five years or even longer and that some other distribution platforms like IPTV and HITS were also emerging;

6. And whereas the Authority, after discussing the issue of periodicity of filing of interconnection agreements with all the stakeholders, decided that the filing of the interconnection agreements should be on annual basis and other distribution platforms like IPTV and HITS should also file their interconnection agreements for better

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monitoring of the sector and has accordingly amended the principal regulations vide the Register of Interconnect Agreements (Broadcasting and Cable Services) (Fourth Amendment) Regulation, 2009 (5 of 2009) dated the 18th March, 2009, published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 18th March, 2009, providing for the reporting of interconnection agreements annually, on or before the 31st July of each year, covering the period from 1st July of the previous year to 30th June of that year, by the direct to home operators, IPTV service providers and HITS operators;

7. And whereas, having regard to the amendments made to the principal regulations as referred to in the preceding paragraph, the procedure prescribed by the Authority vide its Direction No. F.No.6-1/2005-B&CS dated the 27th April, 2006 as referred to in paragraph 4 above requires changes and accordingly it has become necessary to lay down a revised procedure for filing of interconnection agreements by the direct to home operators and for similar filing of interconnection agreements by the IPTV service providers and HITS operators;

8. Now, therefore, in exercise of the powers vested in it under section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), as amended from time to time, for the discharge of functions under clause (b) of sub-section (1) of section 11 of the said Act, and in partial modification of its earlier Direction No. F.No.6-1/2005-B&CS dated the 27th April, 2006, save and except things done or omitted to be done under the said Direction before such modification, the Telecom Regulatory Authority of India hereby directs that, for the year ending 30th June, 2009 and onwards, all direct to home operators, IPTV service providers and HITS operators shall follow the following procedure for filing the details of interconnection agreements with the Authority, namely:-

(a) all direct to home operators, IPTV service providers and HITS operators shall, by 31st July of each year, furnish to the Authority a copy of each of the agreements, or contracts, or Memoranda of Understanding, as the case may be, entered into with the broadcasters signed by the parties which remained valid on the 30th June of that year or during part of the period from 1st July of the previous year till the 30th June of that year, with all annexures and containing the details as specified in regulation 6-A of the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), as amended from time to time, in print form with every page duly authenticated by an authorised representative;

(b) the DTH operators, IPTV service providers and HITS operators shall also furnish a consolidated statement of interconnection agreements which remained valid on the 30th June of that year or during part of the period from 1st July of the previous year till the 30th June of that year, giving, in a tabular form, the details as specified in regulation 6-A of the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), as amended from time to time, indicating, inter alia, the prices of individual channels and of each bouquet of channels subscribed and the subscriber base of each individual channel and bouquet of channels, on a monthly basis for the period


29/7/09

from 1st July of the previous year to the 30th June of that year, in print form, with every page duly authenticated by an authorised representative; and

(c) a copy of the data furnished in print form as indicated in sub-paragraphs (a) and (b) above shall also be filed in electronic form through a non-writable CD, duly signed by an authorised representative, giving information as indicated in sub-paragraph (a) above in PDF format and the information as indicated in sub-paragraph (b) above in Microsoft Excel format.

N. Parameswaran
29/7/09

(N. Parameswaran)

Principal Advisor (B&CS)

All DTH operators, IPTV service providers and HITS operators