

To:

All Broadcasters, Multi System Operators, Cable Operators operating in the areas notified by Government under Section 4 A (1) of the Cable Television Network (Regulation) Act, 1995.

Subject: Direction under Section 13 read with paras (ii), (iii) and (iv) of clause (b) and clause (d) of sub-section (1) of section 11 of the TRAI Act, 1997 – Standard Interconnection Agreements in CAS notified areas

WHEREAS in exercise of the powers conferred upon it under section 36, and paras (ii), (iii) and (iv) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) read with the Notification No.39 (S.O No. 44 (E) and 45 (E)) dated 09.01.2004 issued from file No.13-1/2004-Restg by the Government of India under clause (d) of sub-section (1) of Section 11 and proviso to clause (k) of sub section (1) of the Section 2 of the Telecom Regulatory Authority of India Act, 1997, the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority") has made the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004), (hereinafter referred to as the 'Regulation');

2. WHEREAS the said Regulation covers arrangements among service providers for interconnection and revenue share, for all Telecommunication (Broadcasting and Cable) Services throughout the territory of India;

3. WHEREAS, in compliance of the directions issued by the Hon'ble High Court of Delhi in their orders dated 10.3.2006 (Single Bench) and 20.07.2006 (Division Bench) directing that Conditional Access System (CAS) be implemented in the three Metropolitan cities of Mumbai, Kolkata and Delhi by 31st December, 2006, the Central Government has notified certain areas under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), vide notification no. S.O. 1231(E) dated 31.7.2006;

4. WHEREAS the Authority, upon due consideration of the matter, decided to amend the Regulation to provide standard forms of interconnection agreements between Broadcasters & Multi System Operators and between Multi System Operators & Cable Operators for areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), vide notification no. S.O. 1231(E) dated 31.7.2006;

5. WHEREAS the Authority on 24.8.2006 notified the Telecommunication (Broadcasting and Cable Services) Interconnection (Second Amendment) Regulation, 2006 (9 of 2006), giving effect to the above mentioned decision of the Authority;

6. WHEREAS the Regulation as amended by the said notification dated 24.8.2006, now provides that all Broadcasters, Multi System Operators (MSOs) and Cable Operators shall, mutually negotiate and finalise Interconnection Agreements between them, for areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), vide notification no. S.O. 1231(E) dated 31.7.2006, unless they have already signed a mutually acceptable interconnection agreement and that in case any of the service providers in the areas as notified by the Central Government vide notification no. S.O. 1231(E) dated 31.7.2006 are not able to arrive at such mutually acceptable agreements within a time to be specified by the Authority through a direction, the service providers shall enter into interconnection agreements given as specified in Schedule I (between Broadcaster and Multi System Operator) and in Schedule II (between Multi System Operator and Cable Operator), respectively, to the said Regulation, within the time specified in the direction;

7. NOW, THEREFORE, in exercise of the powers vested under Section 13 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), for the discharge of functions under section 11(1)(b) of the TRAI Act, 1997 read with the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation, 2004 (13 of 2004), as amended from time to time, the Authority directs that:-

- (i) As per sub-clause (2) of clause 5 of the said Regulation, all those service providers in CAS areas who do not have a pre-existing interconnection agreement appropriate for operating in a CAS area as on the date of issue of this regulation, and who are also not able to arrive at a mutually acceptable agreement, shall enter into interconnection agreements as per the standard agreements specified in Schedule I (between Broadcaster and Multi System Operator) and in Schedule II (between Multi System Operator and Cable Operator) to the said Regulation, within 10 days of the receipt of the permission by the Multi System Operator under Rule 11 of the Cable Television Network Rules, 1994 as amended by the Cable Television Networks (Second Amendment) Rules, 2006.
- (ii) As per sub-clause (2) of clause 5 of the said Regulation, all those service providers in CAS areas who have a pre-existing interconnection agreement appropriate for operating in a CAS area as on the date of issue of this regulation, but who are unable to arrive at a mutually acceptable agreement within 30 days of the expiry of the pre-existing interconnection agreement, shall enter into interconnection agreements as per the standard agreements specified in Schedule I and in Schedule II to the said Regulation, within 30 days of the expiry of the pre-existing interconnection agreement.

- (iii) The following compliance should be sent to the Authority.
- a) All broadcasters should confirm, latest by 15th October, 2006, that interconnection agreements have been signed by them with all the Multi System Operators in the areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), vide notification no. S.O. 1231(E) dated 31.7.2006, desirous of entering into such interconnection agreements with them. All Broadcasters should also file copies of the agreements signed by them with the Multi System Operators, with the Authority, latest by October 15, 2006,
 - b) All Multi System Operators in the areas notified by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), vide notification no. S.O. 1231(E) dated 31.7.2006, should confirm, latest by 15th October, 2006, that interconnection agreements have been signed by them with all the Cable Operators in the areas so notified, desirous of entering into such interconnection agreements with them. All Multi System Operators should also file copies of the agreements signed by them with the Cable Operators, with the Authority, latest by October 15, 2006,

Provided that for purposes of compliance with (a) and (b) above, where the agreements signed with different service providers are in absolutely identical formats, it would be sufficient to send a copy of such identical format along with a detailed statement indicating the names of the service providers with whom the contracts have been entered into, along with complete details which have been entered in different clauses of such identical formats in respect of each agreement separately.

8. This issues with the approval of the Authority.

(Rakesh Kacker)
Advisor (B&CS - I)