Summary of Issues for Consultation

Q1. Do you agree that flexibility available to broadcasters to give discount on sum of a-la-carte channels forming part of bouquets has been misused to push their channels to consumers? Please suggest remedial measures.

Comments: Grossly misused. This is because, there are no binding clauses or conditions with checks and balances in the drafted regulations. I wonder why TRAI decided to implement NTO hurriedly in first place from 01.02.2019, (not withstanding inordinate delay for various other reasons & litigation), without having clear directions as sought by TRAI from courts on restricting discounts to 15% if a channel is added to any bouquet., which directly has a bearing on free & fair market price discovery of stand alone channels rates (could be pressure from government/ ministers ??) What has been achieved by TRAI with roll out of deficient regulations resulting in confusion, clarifications, justifications that new regime is not expensive, which was far removed from ground realities resulting in whopping bills after NTO.

Even with less than 10 channel selected, monthly bill is coming to Rs. 300+. For instance just with half a dozen regional entertainment/ movie channels selected for my elderly mothers personal Dish TV the monthly charge has become Rs. 300+ which used to be around Rs.150 including taxes a few months back with full regional add on pack alongwith Rs. 99 basic pack. She hardly watches max. 10 channels and mostly regional incl. 1-2 Hindi channels. No English, No sports, No movies. Rs. 153 is directly going as DTH charges- NCF which is a total onesided charge as she watches NONE OF THE FREE CHANNELS that come with NCF pmt. **First please modify this NCF and fix rate for first 25 channels selected at Rs. 50 and then Rs. 1 per channel and same even if bouquets are continued, because everyone is earning more in bouquets - both broadcaster and DTH / cable company, only a consumer is a helpless fellow paying NCf charges even for channels that are not watched at all. We can make a condition of minimum overall bill of Rs. 150 pm with all pay channels+ NCF, as it used to be existing before NTO**. And if we try a-la-carte without bouquet the charges will further shoot up. Most of the popularly watched channels are priced so high as if everyone will select ONLY THEIR COMPANY channels and nothing else. Before NTO only English entertainment, movies & sports packs / channels used to be exorbitant not affecting a vast majority.

Why a consumer cannot form their own bouquets as per language or genre and get discount as per total no. of channels the way DTH/ cable people get from broadcasting company ? Often we get to make such bouquets in consumer goods also in supermarkets or apparel stores. Has any thought been put in this direction to see how this can be facilitated ? Why allow only broadcasters and Cable / DTH people to form bouquets ? because it earns them more., if not the best way by passing on inefficiencies.

OR all the better TRAI mandate that no one will offer bouquets , then we can freely select channels as we wish; and this is anyway happening now in the case quoted above and even on other two DTH connections at my home. Atleast the standalone channel prices will be discovered and fixed the right way. Inspite of initial hiccups, people learn to make choices. Broadcasters and distributors or their lobby groups will always quote international trend of bouquets etc to buttress their position. "India can also make its own trend of free and fair channel selection choice, immune from other influences". We have done such a thing first in the world with 100% electronic trading of shares & securities as early as in 1996, even before USA. Repeated it with 100% electronic exercise of franchise using Electronic Voting Machines(EVMs). Why not give it a fair chance in availing BCS-broadcasting and cable services ? With enabled third party mobile apps to select. (all the better if supported on their website/ apps by unwilling distributors also), I am sure consumers will learn fully using it just in a couple of months. In any big change some friction is bound to happen. One good thing with NTO roll out is that consumers got used to the new system and now learning newer method of selection of channels need only a marginally incremental effort as they have already endured the major pain in CAS/ DAS , switchover to new regime in NTO etc.

Q2. Do you feel that some broadcasters by indulging in heavy discounting of bouquets by taking advantage of nonimplementation of 15% cap on discount, have created a non-level field vis-a-vis other broadcasters?

Comments: Why only some broadcasters Sir….almost all the major broadcasters having entertainment channels have gamed this practice as you have brought a no control regulation. Why anyone will stop earning more money if there is even a small scope and neither regulation nor courts have prohibited it ? After all, they are doing business for their shareholders, not so reasonable to expect charity towards their consumers in a business where a consumer cannot shift service providers, if they are unhappy or found being taken for a ride way too much… like in mobile networks. In USA or UK it may be expensive but their per capita GDP is also very high which no one talks.

Q3. Is there a need to reintroduce a cap on discount on sum of a-lacarte channels forming part of bouquets while forming bouquets by broadcasters? If so, what should be appropriate methodology to work out the permissible discount? What should be value of such discount?

Comment: if you first rectify fixed charges NCF either per channel rate or rs. 50 for first 25 channels we select (either FTA or pay) and Rs. 1 thereafter for each channel/bouquet and further DO NOT MAKE cable/ DTH people mandatory to carry all the broadcaster packs (so that they can drop a large majority of near duplicate packs and add theirs) then it will force broadcasters to price packs and channels in an affordable manner or DTH/cable people will start offering official discounts on such packs and channel prices. This will correct every ones market behavior .

Q4. Is there a need to review the cap on discount permissible to DPOs while forming the bouquet? If so, what should be appropriate methodology to work out the permissible discount? What should be value of such discount?

Comments : I am not aware about the official & unofficial discounts between broadcaster and DPOs on channels or packs, as such information is not readily available for normal public like us.

Q5. What other measures may be taken to ensure that unwanted channels are not pushed to the consumers?

Comment : Suggested above

Q6. Do you think the number of bouquets being offered by broadcasters and DPOs to subscribers is too large? If so, should the limit on number of bouquets be prescribed on the basis of state, region, target market?

Comment: Yes broadcaster list itself runs into several pages and further the DTH company list. It is all a big mess to choose going by the name of the pack and not readily making out what all channels it offers . Needs a lot of painful analysis and price comparison…far beyond my levels of comfort, time and patience. Bouquet system existing earlier itself was a bit complicated but atleast manageable in options to choose, by many customers. Now the voluminous list without clarity on included channels and also near alternative options is way too confusing., and if number of packs/ bouquets are fixed based on no. of channels run by them , allowing language/ state, region etc, broadcasters will figure out the composition. Consumer Issue is more on price discounts rather than quantity of channels/ bouquets which are anyway ignored by customers unless some mobile app suggests packs and rate cutters based on our channel list inputs

Q7. What should be the methodology to limit number of bouquets which can be offered by broadcasters and DPOs?

Comment: Please limit as one pack allowed for max. 5 channels of the broadcaster . Packs of different broadcasters by cable/ DTH will be better as it used to be practice earlier, but now please limit the no. of channels to max 5 in pack/ bouquet. For cable/DTH company allow such packs/ bouquets of only channels of same genre but from different broadcasters, otherwise this problem will perpetuate

Q8. Do you agree that price of individual channels in a bouquet get hedged while opting for a bouquet by subscribers? If so, what corrective measures do you suggest?

NA

Q9. Does the ceiling of Rs. 19/- on MRP of a a-la-carte channel to be part of a bouquet need to be reviewed? If so, what should be the ceiling for the same and why?

Comment: **The above price ceiling is valid only if bouquet discounts are capped at 15% as provided for originally in the regulation. But the regulation is selectively implemented for some reasons. And it is a fact that the broadcasters have come to know about it well before declaring their a-la-carte channel prices. So going by the logic, when 15 % cap on bouquet discounts is not being enforced, TRAI should not have gone ahead to adopt such an enhanced rate of Rs. 19/-., because it is but natural that broadcasters would take advantage in price fixation and game the regulation.** Such a high price should be brought down based on overall average rate of alacarte channels in the whole system, till such time 15% price cap on bouquets is not enforced. Because, a bouquet is ideally meant to include channels around the average price across the entire market. Channels which are priced far too higher than average need to be offered as standalone channels, so that only those who are fully interested to view them would purchase it and add not withstanding their higher price

Q10. How well the consumer interests have been served by the provisions in the new regime which allows the Broadcasters/ Distributors to offer bouquets to the subscribers?

Comments: Only bouquets of distributors are better in many ways, as they have data on viewer choices which is not shared with broadcasters. Even pre NTO it was only distributor bouquets which were better and even much cheaper as compared to present day. Only problem earlier was distributor was not allowing selection of Bouquets + Standalone channels. It used to be either bouquets or standalone channels, but not a combination, which made choices more expensive as it would have been otherwise.

Q11. How this provision has affected the ability and freedom of the subscribers to choose TV channels of their choice?

Comment: Real consumer demand based market price discovery of standalone channel prices is obstructed grossly by broadcasters who are interested to push all unwanted channels for their ad revenue, along with popular channels by undercutting their rates drastically. In your list Annexure 3 this is not mentioned- Zee café SD is Rs. 15. now a new pack Zee Prime English priced at same price Rs. 15 is advertised and offered which has Zee café SD(Rs 15) + &flix SD (Rs. 15) + Wion(Rs.1) + Living Foods(rs.1)., what a mockery of basic rules of pricing. It is blatantly undercutting price of their own channel, because they want to push other channels which are otherwise not opted even at Rs. 1

Q12. Do you feel the provision permitting the broadcasters/Distributors to offer bouquets to subscribers be reviewed and how will that impact subscriber choice?

Comment: Absolutely 100% Yes. It will respect the market principles first rather than resorting to unethical pricing. Why consumers cannot make their own bouquets like make your own pack within a language or genre and get automatic discounts, as per mandatory condition. Because you are allowing them, and not us 'the consumers'. **But as explained earlier at comment to Q1, it is better to remove the system of bouquets for reasons explained at length.**

Q13. How whole process of selection of channels by consumers can be simplified to facilitate easy, informed choice?

Comment: Third party mobile app which will suggest cheapest combination of packs based on our inputs of essential channel list

Q14. Should regulatory provisions enable discount in NCF and DRP for multiple TV in a home?

Comment: if you reframe NCF formula and fixed charges, that is more than sufficient. But no harm in having such provision.

Q15. Is there a need to fix the cap on NCF for 2nd and subsequent TV connections in a home in multi-TV scenario? If yes, what should be the cap? Please provide your suggestions with justification.

Comment: why cap Sir ? let them offer a deal if they want to sell more

Q16. Whether broadcasters may also be allowed to offer different MRP for a multi-home TV connection? If yes, is it technically feasible for broadcaster to identify multi TV connection home?

Comment: **If broadcaster is allowed discounts we will get very high standalone channel rates. If you give one inch to broadcasters they will pull ten inches more. Whatever is happening now is not enough as a costly lesson ?**

Q17. Whether Distributors should be mandated to provide choice of channels for each TV separately in Multi TV connection home?

Comments: Of course YES - 100 %., otherwise what is the point in a multi TV. , we can as well go for a new connection.

Q18. How should a long term subscription be defined?

Comment: Atleast 6 months

Q19. Is there a need to allow DPO to offer discounts on Long term subscriptions? If yes, should it be limited to NCF only or it could be on DRP also? Should any cap be prescribed while giving discount on long term subscriptions?

Comment: Discount on both NCF and channel price. Some DTH companies like Tatasky are giving bonus credit at the end of subscription period, based on running average daily burn rate(DBR) for long term subscriptions as per offer advertised and availed in our family, but it was given for one year balance pmt in advance. One month for 12 months i.e., 1/12 = 8.33% which is only a normal compensation for foregone interest on money paid in advance. Absolutely fair and justified as distributor not only gets advance payment but also gets one year guaranteed commitment from subscriber.

Q20. Whether Broadcasters also be allowed to offer discount on MRP for long term subscriptions?

Comment; **If broadcaster is allowed discounts we will get very high standalone channel rates. If you give one inch to broadcasters they will pull ten inches more. Whatever is happening now is not enough as a costly lesson ? consumers will be sweetly trapped for long term and get hooked to same channels locked in & money also blocked.**

Q21. Is the freedom of placement of channels on EPG available to DPOs being misused to ask for placement fees? If so, how this problem can be addressed particularly by regulating placement of channels on EPG?

Comment: Default channel on starting STB should be the last channel viewed or limited only to DTH/cable service provider information and if they are earning some money on channel placement there should be no problem, subject to maintaining consistency of listing order as per genre or language so that not so well versed consumers are not put to discomfort. But in my family in Dish TV we set & store frequently watched channels under favorites for each family member in a sequence as they desire. However such favorites menu is not good in our Tatasky connection where neither other family members can set their personal choices nor the LCN / channel sequence can be adjusted or swapped as we wish in user settings- favorites. , which is a very old & common feature in TVs . **Hence this favorite menu needs some uniformity in EPG menu irrespective of distributor, as this is screen based input, hence it should be software driven.**

Q22. How the channels should be listed in the Electronic Program Guide (EPG)?

Comment ; as detailed above

Q23. Whether distributors should also be permitted to offer promotional schemes on NCF, DRP of the channels and bouquet of the channels?

NA

Q24. In case distributors are to be permitted, what should be the maximum time period of such schemes? How much frequency should be allowed in a calendar year?

NA

Q25. What safeguards should be provided so that consumers are not trapped under such schemes and their interests are protected?

NA

Q26. Whether DPOs should be allowed to have variable NCF for different regions? How the regions should be categorized for the purpose of NCF?

Comment: Instead of variable NCF which is complex, it is better to price rs. 50 for first 25 selections and Rs. 1 for each selection (with min rs. 150 billing pm). Most of the people will select in max 50-70 channel range which should give a revenue of Rs. 75-100. Those who cannot afford much will pay rs. 50 by selecting fewer channels. Present system is forcing everyone to pay min Rs. 153 even when we watch none of those channels

Q27. In view of the fact that DPOs are offering more FTA channels without any additional NCF, should the limit of one hundred channels in the prescribed NCF of Rs. 130/- to be increased? If so, how many channels should be permitted in the NCF cap of Rs 130/-?

Comments: No need - most people view not more than 50-70 channels max., provided their explicit choice is taken in software. Data on average tv viewing time duly supports this.

Q28. Whether 25 DD mandatory channels be over and above the One hundred channels permitted in the NCF of Rs. 130/-?

Comments : This was not applied due thought in NTO. I wonder if any one would be interested in DD channels other than half a dozen channels in Hindi, English including

RSTV, LSTV, DD sports, Gyandarshan plus 1 or 2 local language channels. DD channels not to be counted for NCF as it involves no extra resources in feed

Q29. In case of Recommendation to be made to the MIB in this regard, what recommendations should be made for mandatory 25 channels so that purpose of the Government to ensure reachability of these channels to masses is also served without any additional burden on the consumers?

NA

Q30. Stakeholders may also provide their com

NA