

Comments of Tamil Nadu Cable TV Owners and Consumers Welfare Association

PRELIMINARY OBSERVATION:

At an outset, we welcome the decision of the Authority to look in to the extant issues and to hold the present consultation process. India has embraced the Digitalization of Cable Tv services recently and yet to achieve 100 % of its implementation. On the other hand MSOs have invested huge capital in commissioning the required systems to enable DAS and LCOs have invested in establishing the network. The October, 2019 Amendment to Schedule-III of DAS Interconnection Regulations, is *per se* pre matured one, as the same has further forced the MSOs to upgrade their systems even before the ROI has gained confidence.

It is unfortunate that the Authority is blind folded on the Pay channel broadcasters supplying their Pay Channels free of cost to OTT platforms and taxing cable TV consumers with huge subscription for the same channels. The above double standards and discriminative acts adopted by the pay channel broadcasters would nevertheless neutralize their morality to raise the present issues before the Authority. The Authority ought have resolved the issue of parity across all platforms including OTT, before discussing the extant issues of the consultation paper.

While the issue of Interoperability is on board and in the pipeline of decision-making, the present issues may be clubbed along with the decision of the same. This would reduce the pain of the MSOs & LCOs in frequently upgrading their systems with huge cost.

Please find our issue wise reply as follows:

- 1. List all the important features of CAS & SMS to adequately cover all the requirements for Digital Addressable Systems with a focus on the content protection and the factual reporting of subscriptions. Please provide exhaustive list, including the features specified in Schedule III of Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017?***

Response: TRAI has brought out Schedule-III after applying its due diligence and upgrade the same between 2012 and 2017 Regulations. Further by a set of amendments the said Schedule was further modified in 2019. Frequent modification requirements in the systems would cause heavy financial burden on the MSOs and jeopardize the entire technical planning.

It is apt to state that Tamil Nadu has its first MSO in the Nation to introduce Digitalisation in the year 2003 by implementing the hitherto CAS regime. The constant up gradations have made a multi layer technical compatibilities and thus making it more complicated in matching to the ever-increasing expectations of the requirements specified by the Authority.

The Authority, instead of further regulating the existing pre-requisites of CAS and SMS systems, it would be of great appreciation if the Authority would first ensure the enforceability of the present regulations of CAS and SMS. The Authority may enforce the compliance of Regulation 15(1) of The DAS Interconnection Regulations, 2017 on all the DPOs without any discrimination. Making complex Regulations and allowing the same to remain merely on paper, without any focus of enforcement would rather reduce the spirit of the functioning of the Authority.

On the foregoing, we suggest that the present Regulations for CAS and SMS would suffice, no further up gradations may be forced on MSOs for at least the next five years.

2. ***As per audit procedure (in compliance with Schedule III), a certificate from CAS / SMS vendor suffices to confirm the compliance. Do you think that all the CAS & SMS comply with the requisite features as enumerated in question 1 above? If not, what additional checks or compliance measures are required to improve the compliance of CAS/SMS?***

It is wrong to suggest that a mere Certificate from the vendors would make the entire compliance of CAS and SMS in tune with Schedule-III. The audit manual of TRAI compels the auditor to ascertain each and every specification for its compliance to the said Schedule. The present and previous audit schemes would include ensuring compliance to each and every specification of the Schedule.

As the present audit process would go beyond the certificate from the vendor to ensure compliance, the present process is good enough to achieve the context of audit.

3. ***Do you consider that there is a need to define a framework for CAS/ SMS systems to benchmark the minimum requirements of the system before these can be deployed by any DPO in India?***

Before making a framework to negate sub-standard systems, may we suggest to enforce Regulation 15(1) of the DAS Interconnection Regulations 2017 and identify the non-compliance systems. If in the opinion of the Authority, the

compliance is not possible with such systems, the Authority may blacklist such products and ensure its dis-continuance.

In as much as, formulating a frame work, we sincerely feel that the said exercise would involve mammoth efforts, energy and money. In the technology which is being a dynamic one driven with natural developments, it would be difficult to fix the framework. If the suggested framework is not reviewed periodically, the hazard of technology over taking the framework would be inevitable and would invite negative results.

We suggest that the existing frame work of Regulations, if implemented to its letter and spirit, would take care of the shortfalls and there is no need to define a separate framework.

4. *What safeguards are necessary so that consumers as well as other stakeholders do not suffer for want of regular upgrade/ configuration by CAS/ SMS vendors?*

Implementing the existing Regulations to its entirety would meet the ends of CAS and SMS standards. Constant modifications in Schedule-III would cause severe dent to the DPOs who have otherwise taken the burden of Digitalization on their shoulders. May we, suggest that there shall be modifications in an interval of not less than five years, which by itself would act as a safe guard against unwarranted upgrade/configuration.

- 5. *a) Who should be entrusted with the task of defining the framework for CAS & SMS in India? Justify your choice with reasons thereof. Describe the structure and functioning procedure of such entrusted entity.***
(b) What should be the mechanism/ structure, so as to ensure that stakeholders engage actively in the decision making process for making test specifications / procedures? Support your response with any existing model adapted in India or globally.

As stated earlier the Authority instead of exercising its valuable efforts in formulating the framework, it may ensure the enforcement of present regulation on all stakeholders. It may not be worth enough to carry out such detailed framework for the present purpose.

However, if the Authority decides to entrust the task of defining a framework for CAS and SMS on all stakeholders, such forum should have the participation of the contributing stakeholders and should be capable of addressing any issues in future.

Further, such framework should limit itself to ensuring standards at the level of CAS/SMS Vendor and in no case shall disturb the DPOs after employing such certified systems.

6. ***Once the technical framework for CAS & SMS is developed, please suggest a suitable model for compliance mechanism.***
- a) ***Should there be a designated agency to carry out the testing and certification to ensure compliance to such framework? Or alternatively should the work of testing and certification be entrusted with accredited testing labs empanelled by the standards making agency/ government? Please provide detailed suggestion including the benefits and limitations (if any) of the suggested model.***

(b) What precaution should be taken at the planning stage for smooth implementation of standardization and certification of CAS and SMS in Indian market? Do you foresee any challenges in implementation? (c) What should be the oversight mechanism to ensure continued compliance? Please provide your comments with reasoning sharing the national/ international best practices.

Without prejudice to our stand that there is no need for such technical framework, we suggest and reiterate that the testing and certification to ensure compliance of the framework shall be restricted to the CAS/SMS vendors. Further, the existing systems employed by the DPOs as on or before the date of implementation of such framework should be given exemption.

7. ***Once a new framework is established, what should be the mechanism to ensure that all CAS/ SMS comply with the specifications?***

In an event of bringing in a new frame work, the testing and certification would be suffice for compliance. However, a letter of undertaking may be caused to be executed, as abandon caution.

Should existing and deployed CAS/ SMS systems be mandated to conform to the framework? If yes please suggest the timelines. If no, how will the level playing field and assurance of common minimum framework be achieved?

No, the existing and deployed CAS/SMS systems, which are otherwise in total compliance to the present Regulatory frame work should not be mandated to conform to the framework. Since, the DPOs have made huge investments on the present systems, any mandatory replacement would cause double spending and thereby level playing field, would take a beat. Thus in the equity to achieve level playing field the systems deployed at present should be exempted from such framework.

The Authority's leniency in not enforcing its own Regulations is derailing the level playing field. TRAI is selective in enforcing the Regulations to few large MSOs and letting out many middle range MSOs to contravene the Regulations. The LCOs attached to those MSOs who are following strict compliance to the Regulations are in turn tightening their ropes towards LCOs and the imparity between the LCOs connected to other MSOs are increasing. The LCOs who are linked to the unregulated MSOs do not have any restrictions when compared to the former ones. TRAI should ensure that the regulations are strictly imposed by all MSO irrespective of size, area and composition.

8. ***Do you think standardization and certification of CAS and SMS will bring economic efficiency, improve quality of service and improve end- consumer experience? Kindly provide detailed comments.***

There may be no second thought to standardize the systems, However, in our opinion the present Regulatory scheme is adequate to handle the situation if the same is enforced fully. In contrary any new framework without proper enforcement would make no changes in the ground.

The suggested framework may not add any value to the end customer experience and would not improve any quality of service in the consumer's perspective. On the other hand curbing the pay channels in OTT platforms would improve the economic efficiency to all the stakeholders.