

10 October 2023

By Email and Hand

Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi - 110002

Subject: Response to TRAI's Consultation Paper on review of Regulatory Framework for Broadcasting and Cable Services dated 08 August 2023

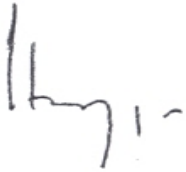
Kind Attn: Mr. Anil Bhardwaj, Advisor (B&CS)

Dear Sir,

We thank the TRAI for this opportunity to express our views on the above captioned Consultation Paper.

Tata Play's response to the same is attached for your ready reference.

Yours faithfully,



Harit Nagpal
Managing Director and CEO

Enclosed: As above

TATA PLAY'S RESPONSE DATED 03 OCTOBER 2023 TO TRAI'S CONSULTATION PAPER ON REVIEW OF REGULATORY FRAMEWORK FOR BROADCASTING AND CABLE SERVICES DATED 08 AUGUST 2023

A. Ceiling on NCF:

Q1. Should the present ceiling of Rs.130/- on NCF be reviewed and revised?

- a. If yes, please provide justification for the review and revision.
- b. If yes, please also suggest the methodology and provide details of calculation to arrive at such revised ceiling price.
- c. If not, provide reasons with justification as to why NCF should not be revised.
- d. Should TRAI consider and remove the NCF capping?

TATA PLAY COMMENTS:

- The Network Capacity Fee (NCF) cost structure has been artificially created by TRAI in 2016, when the consultation process for the New Tariff Order was in progress. Prior to that, there was no concept of NCF and the businesses were blooming and subscribers had no confusion.
- The subscribers were given a combined figure which was easier for them to understand.
- It is pertinent to mention that customers do not understand NCF or GST over MRP.
- We therefore, do not believe this artificial capping of NCF is required, and the regulation must revert to the earlier manner of offering channels.
- We also believe that the MRP declared by Broadcasters should be inclusive of taxes, as the subscribers later confuse the taxes being added as differential pricing imposed by Distributors.
- DPOs understand the subscriber behaviour the best and can device plans closest to subscribers paying capacity and interest.
- Market competition will keep a check so that the subscribers do not have to pay more.
- Moreover, different platforms have different cost structures and hence a blanket regulation despite the different business models, does not work.
- While we request the Authority to bring in forbearance, but until forbearance is reached DPOs must be allowed to review the NCF every six months to analyse the market and determine their NCF.
- The number of channels should also be reversed to 100 channels from 200 channels cap.

Q2. Should TRAI follow any indices (like CPI/WPI/GDP Deflator) for revision of NCF on a periodic basis to arrive at the revised ceiling? If yes, what should be the periodicity and index? Please provide your comments with detailed justification.

TATA PLAY COMMENTS:

- As stated earlier, we do not believe that artificial capping of NCF is required, and the regulation must revert to the earlier manner of offering channels.
- We firmly believe that MRP and NCF causes confusion amongst the subscribers.
- As stated earlier we also believe MRP needs to be inclusive of taxes to remove any confusion.
- Forbearance needs to be brought about as DPOs understand the subscriber behaviour the best and can device plans closest to subscribers paying capacity and interest.
- In case NCF is not removed CPI should be used for revision of NCF as CPI is a widely used index for gauging consumer price inflation and could serve as a suitable benchmark.
- CPI is a holistic index which also considers services and since our inputs primarily consist of services, we should use the same as base instead of WPI.

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- The periodicity of revision should be bi-annually, allowing for adjustments to keep up with changing economic conditions. Regular revisions based on established indices would help maintain fairness and stability in pricing.
- Q3. Whether DPOs should be allowed to have variable NCF for different bouquets/plans for and within a state/ City/ Town/ Village? If yes, should there be some defined parameters for such variable NCF? Please provide detailed reasons/ justification. Will there be any adverse impact on any stakeholder, if variable NCF is considered?**

TATA PLAY COMMENTS:

- NCF should be done away with. It is an artificial cap created by the TRAI during consultation process for the New Tariff Order. Subscribers do not understand NCF or GST on top of MRP which leads to unnecessary confusion. Moreso, the DPOs understand the subscribers the best and can device plans closest to subscribers paying capacity and interest.
- However, in case NCF is not removed then DPOs should be allowed to have variable NCF for different bouquets/plans. Variation as per regional classification (State/ City/ Town/ Village) will make the business more complex to operate. This would enable service providers to offer tailored packages that align with varying consumer preferences.
- Implementing variable NCF would promote market competition, cater to diverse consumer needs, and enable greater consumer choice. It should not lead to adverse impacts on stakeholders as market is highly competitive and customers are price sensitive.

B. NCF for Multi-TV homes

- Q4. Should TRAI revise the current provision that NCF for 2nd TV connection and onwards in multi-TV homes should not be more than 40% of declared NCF per additional TV?**
- a. If yes, provide suggestions on quantitative rationale to be followed to arrive at an optimal discount rate.
 - b. If no, why? Please provide justification for not reconsidering the discount.
 - c. Should TRAI consider removing the NCF capping for multi-TV homes? Please provide justification.

TATA PLAY COMMENTS:

- Yes, TRAI should remove the NCF cap including on Multi TV.
- Multi TV services are subscribed by people having multiple televisions at home. Subsidizing just the NCF for such affluent families is not justified.
- In case NCF is continued, then the Broadcasters should also be made to discount content for multi-TV secondary connections equal to that of DPOs, as the broadcaster discounting will do greater good to the subscribers.

- Q5. In the case of Multi-TV homes, should the pay television channels for each additional TV connection be also made available at a discounted price?**
- a) If yes, please suggest the quantum of discount on MRP of television channel/ Bouquet for 2nd and subsequent television connection in a Multi-TV home. Does multi-TV home or single TV home make a difference to the broadcaster? What mechanism should be available to pay-channel broadcasters to verify the number of subscribers reported for multi-TV homes?
 - b) If not, the reasons thereof?

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TATA PLAY COMMENTS:

- Like we have stated earlier, we believe, discounting for Multi TV should be done away with as people affording multiple televisions need not compulsorily be discounted on services. It should be left on the DPOs marketing model.
- However, if NCF discounting is continued then, the Broadcasters should also be made to discount content similarly for multi-TV secondary connections.
- Therefore, if the DPOs are to discount 40% on NCF, then the Broadcasters must give similar discounts on their channels.

C. Ceiling of 15% on discount on sum of MRP of a-la-carte channels for fixing MRP of bouquets by DPOs

Q6. Is there a need to review the ceiling on discount on sum of MRP of a-la-carte channels in a bouquet (as prescribed through the second proviso to clause 4 (4) of the Tariff Order 2017) while fixing the MRP of that bouquet by DPOs?

- a. If yes, what should be the ceiling on such discount? Justify with reasons.
- b. If not, why? Please provide justification for not reviewing the ceiling.

TATA PLAY COMMENTS:

- Yes, there is a need to review the ceiling on the discount for the sum of MRP of a-la-carte channels in a bouquet offered by DPOs. The current provision restricts DPOs to a maximum discount of 15% on the sum of MRP of a-la-carte channels while forming a bouquet. However, broadcasters are allowed to offer a larger discount of 45% on the sum of a-la-carte channel prices when forming their own bouquets. This discrepancy has created an imbalance between DPOs and broadcasters and does not allow DPOs to compete effectively in the market.
- In the interest of creating a level playing field and promoting fair competition, the ceiling on the discount for DPOs should be revisited. The discount ceiling for DPOs should be the same as the discount ceiling provided to broadcasters. This parity would ensure that both DPOs and broadcasters have similar flexibility and opportunities to create attractive and competitive bouquet offerings.
- Further, the subscriber base of DTH platforms is alarmingly reducing as the DTH Operators are unable to compete with the packaging and price offerings of OTT and DD Free Dish, which are outside the purview of TRAI Regulations.
- DTH Operators therefore also need to be free from any restriction with regard to the pricing and packaging of DPO's bouquets.
- We believe that forbearance on carriage fee will work in the interest of all.
- However, till the time complete forbearance achieved, the DPOs like the broadcasters, should also be allowed to give 45% discount on sum of a-la-carte channels in a DPO bouquet while fixing the MRP of that bouquet.

D. Number of SD channels equivalent to one HD channel.

Q7. Whether the total channel carrying capacity of a DPO be defined in terms of bandwidth (in MBPS) assigned to specific channel(s). If yes, what should be the quantum of bandwidth assigned to SD and HD channels. Please provide your comments with proper justification and examples.

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TATA PLAY COMMENTS:

- Yes, the mandate on quantum that should be assigned to SD and HD channels must be removed.
- DPOs should be allowed to not only distribute content but also provide viewing experience.
- There is a vast subscriber base which are ready to pay more for higher quality image quality. To restrict it to bitrate requirement would take away from the viewing experience.
- Moreover, the bitrate requirements for encoded channels vary based on the type of content being processed. For instance, entertainment channels generally demand lower bandwidth compared to sports channels. This is primarily because sports channels involve frequent changes in frames and onscreen information.

Q8. Whether the extant prescribed HD/SD ratio which treats 1HD channel equivalent to 2SD channels for the purpose of counting number of channels in NCF should also be reviewed?

- a. **If yes, should there be a ratio/quantum? Or alternatively should each channel be considered as one channel irrespective of its type (HD or SD or any other type like 4K channel)? Justify with reasons.**
- b. **If no, please justify your response.**

TATA PLAY COMMENTS:

- Yes. The bitrate ratio of SD to HD content can be variable and they depend on the specific encoding settings, codec, and the content being encoded (whether it is a fast moving or an entertainment channel).
- Therefore, TRAI must not get into the minute details and leave the same to the DPOs to provide for a better viewing experience of its subscribers.

Q9. What measures should be taken to ensure similar reception quality to subscribers for similar genre of channels? Please suggest the parameter(s) that should be monitored/ checked to ensure that no television channel is discriminated against by a DPO. Please provide detailed response with technical details and justification.

TATA PLAY COMMENTS:

- While we appreciate the concern of TRAI vis-à-vis subscribers and smaller Broadcasters, TRAI should not get into the micro-management of the business of the DPOs. This has led to the downfall of the DTH industry because on the one hand TRAI is micro-managing the DTH Operators (LCOs are mostly non-compliant) and on the other hand there is zero regulations on DD Free Dish and OTT.
- The industry as a result is bleeding.
- Market competition is strong enough to ensure that the DPOs provide best services to the subscribers at best prices.

E. Mandatory FTA Channels in all packs formed by DPOs

Q10. Should there be a provision to mandatorily provide the Free to Air News / Non-News / Newly Launched channels available on the platform of a DPO to all the subscribers?

- a. **If yes, please provide your justification for the same with detailed terms and conditions.**
- b. **If not, please substantiate your response with detailed reasoning.**

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TATA PLAY COMMENTS:

- No, there should not be a provision to mandatorily provide FTA channels, including both news and non-news channels, available on the platform of a DPO, to all subscribers.
- This provision would have serious cost impact on DPOs.
- Moreover, mandatorily providing FTA channels to all subscribers has challenges and concerns such as:
 - Subscriber Choice: Mandating the provision of specific channels might limit the flexibility of subscribers to choose channels based on their preferences.
 - Capacity Constraint: Allowing FTA channels mandatorily would lead to carrying capacity constraints.
 - Economic Impact: DPOs would have to bear additional costs associated with providing these channels without additional revenue sources, while on the other hand these channels would gain advertising revenue which they would not share with DPOs.
- Forbearance needs to be implemented to enable competitive offerings by DPOs to compete with other Platforms like OTT and DD Free Dish.

F. Level Playing field between dd Free Dish and other DPOs**Q11. Should Tariff Order 2017, Interconnection Regulations 2017 and Quality of Service Regulations 2017 be made applicable to non-addressable distribution platforms such as DD Free Dish also?****TATA PLAY COMMENTS:**

- Yes, TRAI Regulations should be made applicable to non-addressable distribution platforms such as DD Free Dish and OTT, to maintain parity and level playing field amongst all platforms.
- Over years the DPOs are losing subscribers to DD Free Dish due to availability of pay channels on DD Free Dish without any costs.
- Moreover, some pay channels are offered free to subscribers of DD Free Dish while for the same channels, the DPOs are to collect subscription fees from their platform subscribers and pay the subscription fees to the broadcasters. This amounts to discrimination not only to the DPOs but also to the subscribers of DPO's platform.
- Applying Tariff Order 2017, Interconnection Regulations 2017, and Quality of Service Regulations 2017 to non-addressable distribution platforms like DD Free Dish would have advantages as below:
- Piracy: Currently DD Free Dish is non-addressable as majority of the STBs through which its service is accessed, are unencrypted. There have been instances in past wherein the footfall of channels on DD Free Dish has been distributed in an illegal and unauthorized manner. DD Free Dish also carries many Pay TV Channels for free for the consumers of DD Free Dish which are paid for by the subscribers of other DPOs. Once addressable, and within the regulatory ambit, the piracy would stop.
- Level Playing Field: All DPOs should be treated at par and without any discrimination. Applying regulations across all distribution platforms could promote consistency and level the playing field in terms of pricing, channel availability and quality of service. With this there will be parity between subscribers of DD Free Dish and other DPOs.
- Advertising Revenue: DD Free Dish now as commercial as any other DPO. The applicability of TRAI Regulations would help them becoming addressable and calculation their exact subscriber base which can get them more advertising revenue.

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Q12. Should the channels available on DD Free Dish platform be mandatorily made available as Free to Air Channels for all the platforms including all the DPOs?

TATA PLAY COMMENTS:

- DD Free Dish is run and operated by Prasar Bharati.
- One of the prime mission and objectives of Prasar Bharati as per the Prasar Bharati Act, 1990 is ‘to safeguard the citizen’s right to be informed freely, truthfully and objectively on all matters of public interest, national or international, and to present a fair and balanced flow of information including contrasting views without advocating any opinion or ideology of its own.’
- Prasar Bharati was therefore appointed to provide accurate factual information to the masses at affordable prices in the national interest.
- However, the role of Prasar Bharati through DD Free Dish seems to have deviated over a period of time to furthering the interests of some private Broadcasters who are ready to pay the auction money to get more viewership in order to gain advertisement revenue. This defeats the very foundation of Prasar Bharati as the viewership of government channels is not being promoted. If one compares the ratio of Doordarshan channels versus the private channels then the viewership of the DD channels is far less.
- We therefore request that DD Free Dish must not carry private channels and should restrict themselves to Doordarshan channels which honestly educates the masses on matters of public interest.
- However, if DD Free Dish continues to carry private channels then all Pay channels available on DD Free Dish must also be offered as FTA channels on all other distribution platforms.
- A subscriber of other DPO should not be made to pay for the same channel which is being enjoyed for free by the subscribers of DD Free Dish. Uniform pricing across DPOs and DD Free Dish needs to be promoted.

Q13. Whether there is a need to consider upgradation of DD Free Dish as an addressable platform? If yes, what technology/ mechanism is suggested for making all the STBs addressable? What would be the cost implications for existing and new consumers? Elaborate the suggested migration methodology with suggested time-period for proposed plan. Please provide your response, with justification.

TATA PLAY COMMENTS:

- Yes, transitioning DD Free Dish from a non-addressable platform to an addressable should be done for the following reasons:
 - Piracy: Currently DD Free Dish is non-addressable as majority of the STBs through which its service is accessed, are unencrypted. There have been instances in past wherein the footfall of channels on DD Free Dish has been distributed in an illegal and unauthorized manner. DD Free Dish also carries many Pay TV Channels for free for the consumers of DD Free Dish which are paid for by the subscribers of other DPOs. Once addressable, and within the regulatory ambit, the piracy would stop.
 - Level Playing Field: All DPOs should be treated at par and without any discrimination. Applying regulations across all distribution platforms could promote consistency and level the playing field in terms of pricing, channel availability and quality of service. With this there will be parity between subscribers of DD Free Dish and other DPOs.

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- Advertising Revenue: DD Free Dish now as commercial as any other DPO. The applicability of TRAI Regulations would help them becoming addressable and calculation their exact subscriber base which can get them more advertising revenue.

G. Amendment to RIO

Q14. In case of amendment to the RIO by the broadcaster, the extant provision provides an option to DPO to continue with the unamended RIO agreement. Should this option continue to be available for the DPO?

- a. If yes, how the issue of differential pricing of television channel by different DPOs be addressed?
- b. If no, then how should the business continuity interest of DPO be protected?

TATA PLAY COMMENTS:

- The amendment to broadcaster RIO, save and except for the amendment in view of change in extant TRAI Regulations, is mostly at Broadcaster's discretion for change in channel, bouquets, MRP, incentive scheme, promotional offers.
- In all such scenarios, the DPO should have the discretion to continue with the unamended RIO and/or if DPO deems fit (subject to platform limitation, subscriber choices, etc.), opt only to the extent of the amendment.
- The DPO should not be forced to migrate to new RIO if they are not agreeable to the amendment and forced to comply with terms which are not agreeable to it. This will defeat the very essence of Contract law as there is no free consent.
- Hence, the DPO should have the option to continue with the existing RIO as it is binding contract till the time it is terminated as per the terms thereunder.
- Furthermore, if such option is not provided to DPOs, the DPOs may be forced to comply with unilateral price/channel changes of Broadcasters and there is a risk of increased frequency of amendments to RIO. This will cause further inconvenience and instability to the end subscribers.

Q15. Sometimes, the amendment in RIO becomes expedient due to amendment in extant Regulation/ Tariff order. Should such amendment of RIO be treated in a different manner? Please elaborate and provide full justification for your comment.

TATA PLAY COMMENTS:

- The RIO is a requirement under the TRAI's Interconnection Regulations.
- Amendment to RIO as a result of amendment to TRAI Regulations should be treated differently as compared to Broadcaster/DPO triggered amendments because TRAI induced amendment to RIOs are usually preceded by Consultations.
- However, to the extent possible the amendment in the RIO in such scenario should only be to the extent of the amendment.

Q16. Should it be mandated that the validity of any RIO issued by a broadcaster or DPO may be for say 1 year and all the Interconnection agreement may end on a common date say 31st December every year. Please justify your response.

TATA PLAY COMMENTS:

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- The position under the extant Regulations, should be maintained.
- It does not seem a feasible option to mandate the validity as 1 year as not all DPOs execute the RIO at the same time.
- Similarly, there is no parity in the date of provisioning of signals by broadcasters to all DPOs.
- On the practical side, there will be an utter chaos if all agreements are to come to an end the same day and are to be executed the same day.

H. Listing of channels in EPG

Q17. Should flexibility be given to DPOs for listing of channels in EPG?

- a. If yes, how should the interest of broadcasters (especially small ones) be safeguarded?
- b. If no, what criteria should be followed so that it promotes level playing field and safeguard interest of each stakeholder?

TATA PLAY COMMENTS:

- Yes. The listing of channels in EPG is done by the DPOs on their platforms, so flexibility should be given to the DPOs for the same.
- This should be subject to forbearance.
- The DPOs are in direct touch with the subscribers and understand subscriber behaviour. Therefore, they can list the channels on their platform in EPG basis the pattern, region and choice of subscribers.
- The DPO's interest lies in maintaining balance between the best viewing experience of their subscribers and interests of broadcasters. Hence, there is no need for regulating this aspect.

Q18. Since MIB generally gives permission to a channel in multiple languages, how the placement of such channels may be regulated so that interests of all stakeholders are protected?

TATA PLAY COMMENTS:

- This should be subject to forbearance. TRAI must not get into micro-managing each aspect of the business.
- The DPO's interest lies in maintaining balance between the best viewing experience of their subscribers and interests of broadcasters while ensuring that the business of the DPOs is faring well.
- This will also ensure the DPO's flexibility in arranging the channels as per consumer preferences which shall be basis region and language preferences of subscribers to platform
- Hence, there is no need for regulating this aspect.

I. Revenue share between LCO and MSO

Q19. Should the revenue share between an MSO (including HITS Operator) and LCO as prescribed in Standard Interconnect Agreement be considered for a review?

- a. If yes:
 - i. Should the current revenue share on NCF be considered for a revision?
 - ii. Should the regulations prescribe revenue share on other revenue components like Distribution Fee for Pay Channels, Discount on pay channels etc.?

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Please list all the revenue components along-with the suggested revenue share that should accrue to LCO. Please provide quantitative calculations made for arriving at suggested revenue share along-with detailed comments / justification.

a. If no, please justify your comments.

TATA PLAY COMMENTS:

- No comments

J. Carriage Fee capping

Q20. Should there be review of capping on carriage fee?

- If yes, how much it should be so that the interests of all stakeholders be safeguarded. Please provide rationale along with supporting data for the same.**
- If no, please justify how the interest of all stakeholders especially the small broadcasters can be safeguarded?**

TATA PLAY COMMENTS:

- Yes. Capping on carriage fee should be removed.
- Broadcasters have been given the freedom to price their channels and collect advertising revenues without any regulatory capping and are not mandated to share their advertising revenue with the DPOs.
- However, the DPOs are tied down with capping on Carriage Fee as well as NCF charges.
- Further, the DPOs such as a DTH operators which continue to invest heavily on better consumer experience, are incurring heavy losses in view of this provision.
- Forbearance on carriage fee will provide a level playing field between DPOs and Broadcasters.

Q21. To increase penetration of HD channels, should the rate of carriage fee on HD channels and the cap on carriage fee on HD channels may be reduced. If yes, please specify the modified rate of carriage fee and the cap on carriage fee on HD channels. Please support your response with proper justification.

TATA PLAY COMMENTS:

- The capping on carriage fee must be removed. There should be forbearance on carriage fee.
- The Authority should not restrict the ability of DPOs to earn carriage fees so long as all the amount/information are filed with the Authority.
- Even DD Free Dish conducts auctions to give their channel slots to the highest bidders. But the DPOs' capacity is capped for HD to two times that of SD channels. In terms of carriage fee, DPOs are again capped at one HD for only twice of SD. There appears to be clear discriminatory approach being taken by the Authority.
- In the present scenario where the industry is going through a major crisis, to further stall the growth would kill the industry completely.
- We maintain that carriage fee should remain under forbearance.
- Notwithstanding the above, we do not agree with the fact that carriage fee should be reduced with increasing subscription base. This is a self-correcting mechanism and can be suitably dealt with when the negotiation for renewal happens.

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- We believe that such straight jacketed regulations have distorted the market and will further distort it and make DTH business unviable. Basis our submissions above, we request the Authority to introduce forbearance in terms of carriage fee.

Q22. Should TRAI consider removing capping on carriage fee for introducing forbearance? Please justify your response.

TATA PLAY COMMENTS:

- Yes. As explained in our response to query 21, capping on carriage fee must be removed.
- Broadcasters are free to price their channels and also collect advertising revenues without any regulatory capping, however, the DPOs are stuck with capping on Carriage Fee as well as pricing.
- Further, DTH Operators having invested heavily in better consumer experience are incurring losses in view of this provision.
- Forbearance on carriage will provide a level playing field between DPOs and Broadcasters.
- Moreover, there is no regulation on OTT and DD Free Dish due to which DTH is already bleeding heavy losses.
- We believe that straight jacketed regulations will distort market and make DTH business unviable. Basis our submissions above, we request the Authority to introduce forbearance in terms of carriage fee.

K. Removal of channel after expiry of RIO

Q23. In respect of DPO's RIO based agreement, if the broadcaster and DPO fail to enter into new interconnection agreement before the expiry of the existing agreement, the extant Interconnection Regulation provide that if the parties fail to enter into new agreement, DPO shall not discontinue carrying a television channel, if the signals of such television channel remain available for distribution and the monthly subscription percentage for that television channel is more than twenty percent of the monthly average active subscriber base in the target market. Does this specified percentage of 20 percent need a review? If yes, what should be the revised prescribed percentage of the monthly average active subscriber base of DPO. Please provide justification for your response.

TATA PLAY COMMENTS:

- The obligation casted on DPO to continue to make the channel available even after expiry of RIO Agreement should be removed.
- The broadcasters continue to get the reach, distribution fee, advertising revenue. However, it is unfair to DPO.

L. Quality of Service-related issues:

Q24. Whether the extant charges prescribed under the 'QoS Regulations' need any modification required for the same? If yes, justify with detailed explanation for the review of:

- Installation and Activation Charges for a new connection**
- Temporary suspension of broadcasting services**
- Visiting Charge in respect of registered complaint in the case of DTH services**
- Relocation of connection**

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e. Any other charges that need to be reviewed or prescribed.

Q25. Should TRAI consider removing capping on the above-mentioned charges for introducing forbearance? Please justify your response.

TATA PLAY COMMENTS:

- There is sufficient competition in the market to bring in equilibrium which is a self-balancing mechanism, and it protects the interests of both subscribers and service providers.
- Further, the principle of balance of interests of all stakeholders are enshrined in the TRAI Act.
- Tata Play offers its subscribers attractive and favourable schemes to acquire customers which are in customers' interest.
- In the present scenario the industry needs to be given space and time to thrive back to profitable position. Micro-management will further damage the industry.
- Therefore, we are of the belief that there should be no capping on installation, visiting charges, relocation charges and activation fees. The operators should instead be allowed to form their own charges basis their business strategy.
- Cost structure varies across DTH operators as it is dependent on number of service orders, manpower cost, operational cost, quality of service. It also varies across territories (for instance, it is expensive for hilly areas) and varies basis penetration of DTH.
- Hence, there ought to be forbearance for these charges. Market competition will ensure best offers are given to subscribers.

M. Display of channels and LCN listing

Q26. Whether the Electronic Programme Guide (EPG) for consumer convenience should display

- a. MRP only
- b. MRP with DRP alongside
- c. DRP only?

Justify your response by giving appropriate explanations.

TATA PLAY COMMENTS:

- Consumer convenience and experience is of paramount importance to Tata Play. As a distributor of television channels, we understand the importance of providing viewers with accurate and relevant information through EPG.
- However, to avoid confusion for the subscribers, we are of the view that MRP should only be displayed. The end consumer is already aware of the DPO offering as part of their subscription plan.
- Further MRP is displayed on EPG and DRP is displayed on Tata Play App while customer is managing the pack. Providing MRP and DRP both will increase confusion and the DPOs will get a backlash in terms of calls.

N. Billing cycle

Q27. What periodicity should be adopted in the case of pre-paid billing system. Please comment with detailed justification.

TATA PLAY COMMENTS:

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- MRP of channel from broadcaster is for 30 days. Revising the pre-paid billing cycle will make changes in the value chain of content distribution. It is recommended to keep it same to be aligned across stakeholders (broadcasters, distributors, and subscribers).
- Subscribers are given flexibility to recharge for any number of days on any day of the month. Hence, pre-paid billing cycle does not impact recharge pattern.
- Calculation will become complex for 28/29/31-month days as incoming MRP is for 30 days.

Q28. Should the current periodicity for submitting subscriber channel viewership information to broadcasters be reviewed to ensure that the viewership data of every subscriber, even those who opt for the channel even for a day, is included in the reports? Please provide your comments in detail.

TATA PLAY COMMENTS:

- Reviewing reporting to broadcasters will add to the compliances and reporting complexities. It is recommended to keep it same.

O. Regulations on Platform Services

Q29. MIB in its guidelines in respect of Platform Services has inter-alia stated the following:

- The Platform Services Channels shall be categorised under the genre 'Platform Services' in the EPG.**
- Respective MRP of the platform service shall be displayed in the EPG against each platform service.**
- The DPO shall provide an option of activation /deactivation of platform services.**

In view of above, you are requested to provide your comments for suitable incorporation of the above mentioned or any other provisions w.r.t. Platform Services channels of DPOs in the 'QoS Regulations'.

TATA PLAY COMMENTS:

- The Platform Services have genres and are therefore placed under the respective genres along with the linear channels.
- From the consumer point of view, the Platform Service is also a content of a particular genre and is therefore placed accordingly.
- If the Platform Service is given a separate genre category of its own and it is mandated that they are listed separately, the subscribers would have great difficulty in discovering and viewing such services.
- Therefore, we are of the view that Platform Services should not be placed separately on the EPG.
- Further, the subscribers of Tata Play already have the option of activation / deactivation of Tata Play platform services.
- There is therefore no need to further regulate platform services.
- DPOs must have freedom and flexibility regarding Platform services.
- Moreover, there are various discounts, special offers, free sampling, free preview, launch pricing etc running across services hence one price point can be misleading for consumers.

P. Review of mandatory provisions

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Q30. Is there a need to re-evaluate the provisions outlined in the 'QoS Regulations' in respect of:

- a. Toll-free customer care number
- b. Establishment of website
- c. Consumer Corner
- d. Subscriber Corner
- e. Manual of Practice
- f. Any other provision that needs to be re-assessed.

Please justify your comments with detailed explanations.

TATA PLAY COMMENTS:

- No changes are required presently.
- Tata Play is well aligned to each of the above aspects of QoS Regulations.
- However, LCOs and MSOs do not follow the same in its entirety. Regulations need to be uniform across operators.
- Following are the details for Tata Play -

a. Toll-Free Customer Care Number:

Open for 24*7 operations: 18002086633

Email: help@tataplay.com

b. Establishment of Website:

Website and App both are functional.

Website: www.tataplay.com

App: <https://play.google.com/store/apps/details?id=com.ryzmedia.tatasky&hl=en&gl=US&pli=1>

c. Consumer Corner and Subscriber Corner:

Consumer Corner: <https://www.tataplay.com/dth/compliance>

Subscriber Corner: <https://www.tataplay.com/my-account/login?dest=/my-account>

d. Manual of Practice:

Terms and Conditions: <https://www.tataplay.com/dth/tnc>

Help: <https://www.tataplay.com/dth/help>

Refund Policy: <https://www.tataplay.com/dth/tnc/refund-policy-terms-conditions>

Privacy policy: <https://www.tataplay.com/dth/privacy-policy>

e. Other Provisions:

Nil

Q. Financial Disincentive for violation

Q31. Should a financial disincentive be levied in case a service provider is found in violation of any provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations?

a. If yes, please provide answers to the following questions:

- i. What should be the amount of financial disincentive for respective service provider? Should there be a category of major/ minor violations for prescription of differential financial disincentive? Please provide list of such violation and category thereof. Please provide justification for your response.
- ii. How much time should be provided to the service provider to comply with regulation and payment of financial disincentive. and taking with extant regulations/tariff order?

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- iii. In case the service provider does not comply within the stipulated time how much additional financial disincentive should be levied? Should there be a provision to levy interest on delayed payment of Financial Disincentive?

If yes, what should be the interest rate?

If no, what other measures should be taken to ensure recovery of financial disincentive and regulatory compliance? In case of loss to the consumer due to violation, how the consumer may be compensated for such default?

If no, then how should it be ensured that the service provider complies with the provisions of Tariff Order, Interconnection Regulations and Quality of Service Regulations?

TATA PLAY COMMENTS:

- TRAI Regulations do not need to provide for any financial disincentives as the provisions under the TRAI Act, 1997 are sufficient to ensure regulatory compliance.
- Further, the service providers are already burdened with stringent regulations which micromanage the functioning of the operators.
- On the other hand, DD Free Dish and OTT have no regulation. There should be parity with other platforms like DD Free Dish and OTT Platforms.
- In view of the above, we request the Authority to do away with the provisions of financial disincentives under the TRAI Regulations.