

## Introduction

1. Before commenting on the issues for consultation, a few points need to be kept in mind which affect functioning of wireline broadcasting networks , popularly called Cable TV Networks.
2. Platform Services (PS) have been referred to as content NOT obtained from broadcasters registered with the MIB and is termed as Local Channels, which to start with were video feature film displays by Analog Headend Service Providers(HSP) having video replay rights for such content on their Networks. These seemed recognized in TRAI recommendations for re-structuring of Cable TV networks 2008, prior to DAS legislation, wherein neither digitization nor encryption were envisaged. Now in DAS environment, such content is also required to be identified in the SMS, invariably installed at the Headend, taking it beyond the purview of Cable Operators.

## Techno Legal Aspects Recapitulated

3. Content, free to viewer as well as pay, is received in the TVRO (Tele Vision Receive Only) dish antenna farm and over the wireline (Optical Fibre), at the Headend and processed for wireline broadcasting.
4. RF spectrum in use in Cable TV networking spans 47-862 MHz with 7 MHz wide channels from 47 -300 MHz and 8 MHz wide channels from 301 to 862 MHz making 106 channels for transmission of TV content.
5. In analog regime only one program could be carried in each channel. Hence program got synonymized with 'CHANNEL'.
6. In DAS, each such channel packs 6 to 20 programs in each channel space. Hence referring to programs as channels tantamounts to mis-notation.
7. Activities involved at the headend are (a) encoding, i.e. digitization,(b) indexing i.e. identification in the program allocation table showing nature of content (free or Pay TV), channel in which transported, compression ratio etc (c) encryption, (d) multiplexing, (e) modulation (f) subscriber management entitlement and control messaging (g) combining (h) launch amplification RF levels restoration and (i) E2O i.e. electrical to optical conversion of the transport stream for driving the wireline network. Person providing DAS headend activities should rightly be called HSP, now being referred as MSO.
8. Activities at the DAS headend require registration with the Ministry of Information and Broadcasting under Rule 11C of the Cable TV Networks Regulation Act Rules 2012. It therefore stands implied that such registration is required if any of the activities enumerated above is performed anywhere in the wireline network.
9. Transport stream travels over the wireline medium (hybrid fibre coaxial cable i.e. HFC) and coaxial cable terminates at the subscriber premises. Being a digitally addressable transport stream, a Set Top Box(STB) is required to view the program on the domestic TV receiver. DAS programs cannot be viewed without a digitally addressable STB.
10. Addressability means a facility to enable or disable viewing by the STB remotely and Selectively.
11. Subscriber Management System (SMS) means a system or device which stores the subscriber records and data with respect to name and address, hardware in subscriber premises i.e. the STB being used to view programs or bouquets as defined in the system, customer preferences to view and pay for such viewing when billed, activation and de-activation dates and time logs, invoices raised on each subscriber, amounts paid or discounted for each billing period. This system identifies, through unique identifiers the four entities to the system i.e. Broadcaster, HSP, Cable Operator and the Subscriber for revenue appropriations as well as amounts payable as taxes by the HSP.
12. Encryption (CAS) and SMS are both installed at the Headend for content security and controlled access to such machines.
13. Cable operators who do NOT perform any functions of the digital headend services/operations, require registration with the Department of Posts. For this purpose, HSP/MSO would require registration for providing network services for their direct points also.
14. Thus functions of HSP and Cable Operators are distinctly different.

Comments on Issues(in RED) in the Consultation Paper

- 1 – Do you agree with the following definition for Platform Services (PS)?

*Platform Services (PS) are programs transmitted by Distribution Platform Operatos (DPOs) exclusively to their own subscribers and does NOT include Door Darshan Channelsand channels permitted under down linking guide lines.*

No ! it could be Platform Services are programs transported on the Cable TV network for viewing by subscribers on the network, excluding wireless terrestrial and satellite broadcast television content listed with the Ministry of Information and Broadcasting, to subscribers connected to the Cable TV Network. Such content includes, but is NOT limited to replays, repurposed and/ or server delivered.

- 2 - PS channels cannot transmit/include:-

2.1.1 Any News or Current Affairs programs registered with Ministry of Information & Broadcasting.

2.1.2 Coverage of political events of any nature. Will NOT be maintainable in any court of Law. This will tantamount to curtailing right to information. Further why should politicians NOT appraise their voters about political developments.

2.1.3 Any program that is/has been transmitted by any Doordarshan channhels or TV channels permitted under uplinking/downlinking guidelines including serials reality shows.

May NOT be maintainable in view of 'must carry' mandate for Door Darshan Programs.

Further, in order to guard against harassing litigation by broadcasters, if 90 days recording is undertaken, such data should be made available as time deferred TV on demand since investment in facility has been made

2.1.4 International, National and State Level sport events like IPL/Ranji/Trophy.

Only when such rights for real time coverage have been authorized to particular broadcasters.

Should NOT apply to recorded time deferred replays.

2 PS channels can transmit items listed in consultation paper at 2.2.1 to 2.2.6

Agreed !

Consider including television coaching content in such permissivity.

3 What should be the periodicity of review that the PS is NOT trespassing into the domain of regular TV broadcasters?

In DAS regime all content is supposed to be enshrined in ICOS signed with HSP, which provide for bi-annual audit of headends.

PSs are NOT supposed to be broadcasters. Hence ICOs will neither exist nor will attract audits.

If PSs are also treated like broadcasters and mandated for ICOs, provision for their audits too could be created.

When complaints against such services are received, they would be investigated.

Recording of all programs transported on networks, for 90 days, must be mandated for local programs too.

4 Should it be mandatory for all DPOs to be registered as Companies under Companies Act to be allowed to operate PS ? If not how to ensure legal status for all DPOs ?

No !

Local content is gathered by ametures without sophisticated repurposing infrastructure. Professional content manufacturers/producers are already registered. HSPs too are registered.

Where is the need for too many registrations, which by themselves lead to complications in realization

Cable Operators are NOT corporatized to deal statutorily with such compulsions.

5 Views if any on FDI ?

FDI would involve professional due-diligence of aspiring partner.

Cable TV being a multi-channel, multi program broadcast over wireline medium is NOT recognized as Broadcasting, a Central Govt subject . Its governance is left to State Govts whose apathy has led to the sorry state of networking and all its maladies.

With erection of RoW supported and engineered strands, off shore investors would not like to invest in networking slums as they stand outdoors.

To overcome the apathetic state of cable TV networking in India, 100 percent FDI should be permitted so that the system can be correctly re-built.

- 6 Should there be any minimum network requirement for offering PS channels? If yes, then what should it be ?

No !

- 7 Do you agree that PS channels should also be subjected to same security clearances/conditions, as applicable for private satellite TV channels?

No ! These enthusiasts are not in profession of producing money yielding content. The effort is to make available truly local coverage, which TV broadcasters are NOT interested in covering. It is a value addition at local level. Hence this should not attract regulatory jargon mongery.

- 8 For the PS channels to be registered with MIB through online process, what should be the validity of registration and annual fee per channel?

If PS can do that much, why should they NOT register as content producers or FTA broadcasters?

To keep things simple, HSP should inform MIB , if required. No fee should be chargeable.

- 9 What is your proposal for renewal of permission?

Automatic ! with responsibility on registrar to inform the registrant.

- 10 Should there be any limits in terms of geographical area for PS channels? If yes, what should these limits be?

Wireline broadcasting networks have four basic segments. Headend, wireline fiber segment, coaxial cable segment and CPE. Headend is registered with the MIB. Fiber and Coax segments are registered by the network service provider with the Deptt of Posts. CPE i.e the STB is registered in the SMS at the Headend with the HSP.

While registering Headend with the MIB, HSP should indicate the radius of operation covered by the Headend, with a schematic of the fiber trunk and areas spanned by their service.

Cable Operator while registering with the Deptt of Posts should submit the strand diagram indicating position of optical node from HSP i.e. the PoP(Point of Presence of HSP on the Network).

In case of HITS and DTH, the area covered would be whole India.

Generally PS channels will be integrated with the Headend and their geographical limits will be co-terminus with that of the headend.

- 11 Should there be a limit on the number of channels which can be operated by DPO? If yes, what should these limits be ?

Limit should be determined by spectrum availability at the Headend depending upon Modulation, Compression Ratio and scalability of CAS and SMS.

- 12 Do you have any comments on the following obligations/ restrictions on DPOs:

- 12.1 Non-transferability of Registration for PS without prior approval of MIB

Should at best be limited to informing the MIB.

- 12.2 Prohibition from inter-connecting to other distribution networks for re-transmission of PS i.e. cannot share or allow re-transmission of PS channel to another DPO : and

No !

- 12.3 Compliance with Programme and advertising Code and TRAI Regulations pertaining to QoS and complaint redressal.

Implied in the business of Cable TV Networking and obligations of the HSP.

- 13 What other obligations/restrictions need to be imposed on DPOs for offering PSs?

**NIL !**

- 14 Should DPO be permitted to re-transmit already permitted and operational FM radio channels under suitable Arrangement with FM Operator? If yes, then should there be any restrictions on the number of FM channels that may be re-transmitted by a DPO?

**This is a matter of bandwidth management. No restriction on number of audio channels aggregation on CATV networks is envisaged at present.**

**Should best be left to the HSP.**

- 15 Please suggest the mechanism for monitoring of PS channel?

**Keeping recording of all program broadcasted on the network for a period of 90 days must be mandated. Inspections should be done to ensure compliance of such mandate with appropriate metadata for access. Periodic random checks recommended but investigation on report of violation should be essential.**

- 16 Do you agree that similar penal provisions as imposed on TV Broadcasters for violation of terms and conditions of their conditions be imposed on PS? If NOT please suggest alternative provisions.

**Yes ! if MIB and TRAI have enforcement mechanism on ground.**

- 17 What amendments and additional terms and conditions are required in the existing registration /permission /license agreements w.r.t DPOs for regulating PS channels?

**A charter for processing of permissions should be drawn. Experts from field with re-nowned experience should be associated and cases dealt with an empathetic approach.**

- 18 What should be the limit that should be granted to DPOs for registration of the existing PS channels and bring them in conformity with the proposed regulatory framework once it is notified by the MIB?

**Suggested ONE year for registering with MIB from the time the charter for such processes is promulgated.**

- 19 Stakeholders may also provide their comments on any other issue relevant to the present consultation including any changes required in the existing regulatory framework.

**Broadcasst bill should be introduced in the parliament since INDIA is without a broadcasting LAW.**

**Wireline broadcasting in genera,l and Cable TV Networking in particular should be accorded the status of broadcasting over wireline medium**

**DAS implementation, like CAS implementation, cannot be called a success if subjected to a template on the letter and spirit of the DAS statutes. Hence establishment of Consultancy facilities on training, strand engineering and audits on proof of performance should be considered.**

**Cable TV operators have resisted DAS implementation by impeding establishment of SMS in DAS to serve itemized bills as per choice of viewer. A policing organization to enforce technical performance compliance needs to be established with powers to seize networks NOT meeting specified standards..**