

25th April, 2016

Advisor (B&CS),

TRAI, New Delhi.

Sub: Consultation Paper on The Register of Interconnection Agreements (Broadcasting & Cable Services) Regulations , 2016-04-26

Dear Sir,

On behalf of Asianet Satellite Communications Ltd, we would like to thank TRAI for giving us an opportunity to submit our views on the above subject.

We are enclosing our comments on the above subject and request you to consider the same.

Yours Sincerely,

G.Sankaranarayana

President & COO.

1) Why all information including commercial portion of register should not be made accessible to any interested stakeholders?

Broadcaster agreement with MSO for Subscription: We agree that Broadcaster agreements with MSOs for subscription should be made available as the rates should be non discriminatory.

Carriage fee agreements between Broadcaster and MSO SHOULD NOT be in public domain: There is a grey area between carriage fee and placement fee and the terms of carriage / placement are different based on several parameters as below and can not be compared between any 2 channels. Sharing the information and comparison will lead to unwanted litigations as comparison will be for a different set of parameters as to I mentioned below.

The carriage agreements are finalised based on negotiations considering the following parameters and there can not be a single rate card applicable to all channels. Difference in tariff should not be seen as discrimination against a particular broadcaster :

- a) Absolute LCN (101, 102 etc)
- b) LCN rank within the Genre
- c) Neighbouring channels (relative position compared to a leading channel)
- d) position from landing channel (the closer to the landing channel, the better viewership the channel will have)
- e) Payment terms – annual in advance / monthly
- f) Support in terms encoder/ free air time on the channel for promotion etc.
- g) Duration of agreement (longer the duration – the terms may be flexible)
- h) Age of channel (New channels need more publicity and can afford more as they need to gain more visibility)
- i) Popularity of channel
- j) No. of channels carried from the broadcaster – current and prospective (quantity discount)
- k) Demand vs supply etc
- l) Pay channel or FTA channel etc

2) If the commercial Information is to be made accessible,

- a) In which way, out of the three ways discussed above or any other way, the commercial information should be made accessible to fulfil the objective of non- discrimination?
- b) Should it be accessible to the service providers, general public or both?

It should be accessible to only service providers related to the area of operation and not to the general public.

c) Should any condition be imposed on the information seekers to protect the commercial interests of service providers?

Q3) If the commercial information is not made available to stakeholders, then in what form the provisions under clause VII and VIII of section 11(1)(b) of TRAI act be implemented in broadcasting and cable sector so that the objective of non discrimination is also met simultaneously?

Non discrimination is a healthy goal for the industry. But non discrimination is possible only where things can be compared.

Since the requirements and deliverables in carriage / placement fee agreements vary widely based on different parameters mentioned above, disclosure of carriage fee details between DPOs and broadcasters can lead to several litigations and should be kept confidential.

Q4) Please provide suggestions on regulation 5 of the draft regulations regarding periodicity, authentication etc.

The reporting can be made within a month of signing the agreement between MSO and Broadcaster for subscription agreement.

Q5) Please provide comments on how to ensure that service providers report accurate details in compliance of regulations?

Q6) Please provide comments on digitally signed method of reporting the information.

Q7) Please provide suggestions on regulation 6 of draft regulations and also the format given in schedules? Stakeholders can also suggest modified format for reporting to make it simple and easy to file.

In table B2, col 2 (Broadcaster with whom carriage fee is agreed) is not needed, for confidentiality reasons.

Q8) Any other suggestions