

ABP Network Pvt. Ltd. Response to TRAI Consultation Paper on

“MIB back reference on TRAI's Recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" and MIB reference on TRAI's Recommendations on "Platform Services offered by DTH Operators" dated 13.11.2019”

At the outset we thank the authority for having called upon a consultation process on such an important issue having a material bearing on the Broadcasting Business especially keeping in mind the fact that these are permitting a stakeholder in the value chain to enter into a domain of the other without having to comply the stringent, regulatory and compliance requirements as is being expected under the guidelines. In the present case, the same is permitting DPOs to enter into the domain of Broadcasters and permitting them to offer such services by way of PS. It is an instance of uneven level playing field since Broadcasters are not allowed to approach consumers directly. Our response on each issue raised are as under:

Issue 1: Legal Status of DPOs offering Platform Services (PS)

In the absence of any corporatisation, the compliance requirements that are to be met qua a News Broadcasters which are much more stringent under the uplinking and downlinking guidelines would not be applicable and complied to and to be met in any manner and thereby defeating the very objectives of prescribing such requirements and thus PS should not be applicable to News Broadcaster genre. The same is keeping in mind the objective of avoiding any incidence or fake news through such PS provisioning by MSOs. The permitted genre for PS should therefore be other than News namely entertainment, music, movies etc.

Issue 2: Limit on the number of PS channels that can be offered by DPOs

The MSOs impose different variants of carriage fee (which now stands regulated under the NTO 2.0) and the same also gets imposed under various names placement, marketing etc. the imposition of such charges which are outside the ambit and scope of TRAI regulations nullifies the regulation of carriage fee. Infact the prime reason for imposing a carriage fee is justified and defended on the pretext of capacity constraints and to meet up the cost by DPOs. In these circumstances, it would be advisable to get smaller capacity / lesser number of PS channels being placed / permitted in the available capacity. It should be much less than what is being proposed.

All the LCOs are attached to the MSOs and there would be hardly be a case of a standalone LCO who is also an MSO. The signals are obtained by LCO basis the arrangement between the MSOs and the Broadcasters and there is no nexus between the Broadcasters and the LCOs. The LCOs if being given a free hand to come up with PS could be resulting in an unregulated content provisioning to the end consumers and would have a huge potential of transmissions or

retransmission of illegal, obscene, unauthorised content through the LCO platform. It can also be misused or abused for achieving illegal objectives by miscreants to perpetuate false news, rumours, communal riots etc.

Issue 3: Security Clearance of MSOs and LCOs

Security clearance as is required in the case of Broadcasters should be applicable mutatis mutandis in the case of MSO / LCO / DTH operators.

Issue 4: Definition of Platform Services

Any rule permitting PS by MSOs / LCOs / DTH shall be subject to all such restrictions or to the least minimum which can further the objectives of such restrictions and not defeat them.

Issue 5: Restrictions on Programmes that can be transmitted on PS

The programming under the PS offered by DPOs shall not include news and current affairs.

Issue 6: Activation/deactivation of PS offered by DPOs

In fact similar approach should also be adopted in the case of news channels (especially which are FTA like PS or are priced at a nominal or negligible amount) which should be compulsorily and mandatorily carried by the DPOs and the consumer choice should be given primacy qua viewing and not subscribing of channels like PS.

Issue 7: Separate categorisation of “Platform Services” in the EPG

We agree with the approach of categorising PS at a separate genre so as to maintain the sanctity, distinction and identification of the PS with other genres.