

**Cable & Broadband Operators' Welfare Association(Regd.)  
2A, Kartick Bose Lane  
Kolkata – 700006. West Bengal.**

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Dated: 12.09.2014

To:  
Mr. Sunil Kumar Singhal, Advisor (B&CS),  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan  
(next to Zakir Hussain College)  
Jawaharlal Nehru Marg (Old Minto Road)  
New Delhi: 110 002

Dear Sir,

**Sub: Comments to the Consultation Paper dated 28<sup>TH</sup>. August,  
2014 on STANDARDS OF QUALITY OF SERVICE  
(DIGITAL ADDRESSABLE CABLE TV SYSTEMS)  
(AMENDMENT) REGULATIONS, 2014**

In View of the above stated consultation paper, at the outset, we put forward our strong objection and protest on the process of inviting comments against TRAI's Consultation paper. It has been observed from the method that TRAI, in regard to the consultation paper related to Broadcasting & Cable Television matter, adopted process/method in hurry along to arrive for direction/rule in the matter. Cable operators who are actually taking the onus of the roll-out of the mammoth work of Digitalization of Cable TV System, their views, response, requirement, submission has never been taken into consideration, on the contrary numerous directives in connection to Digitalization of cable TV system has

been imposed onto the system without any appropriate mechanism, monitoring and/or redressal system. As a result, the benefit and advantage of Digitalization has not been achieved in any manner whatsoever till today.

While framing the DAS regulations and Cable TV Rules 2012, The Ministry/Authority did not think it was necessary for Cable Operators to get licensed or registered with the Ministry, like it has done for MSOs, whereas attempting to secure Government revenue in terms of applicable taxes by regulating the Local cable operators only which is objectionable and contrary to the interest of millions of self employed young youth who have created enormous employment base out of their self entrepreneurship. However, we, on behalf of **Cable & Broadband Operators Welfare Association (WB)** would like to express our views on the TRAI's attempt to amend **STANDARDS OF QUALITY OF SERVICE (DIGITAL ADDRESSABLE CABLE TV SYSTEMS)** here in below.

*In regulation 14 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012 (12 of 2012) (herein after referred to as the principal regulations), after sub - regulation (1), the following Explanation shall be inserted, namely, --*

*“Explanation : The pre-paid payment option offered to the subscriber shall be an electronic pre-paid mechanism wherein the amount paid by the subscriber is adjusted automatically for the services availed by him.”*

### **Comments:**

The Digitalization of cable TV was implemented on 1<sup>st</sup>. November, 2012 But DAS could not be implemented in one metro till today and Kolkata has seen that happened about 6-month later of the announcement. All these are occurring for forceful method, not having proper

infrastructure/mechanism and without having the real essence of the ground problem. Resulting, packaging and its respective rate/price has not been established in the market in true sense, adequate support system for STB has not been established.

- MSOs are bundling channels in a package on their own whims and fancy and more often pulling out channels from the package without any prior intimation. The channel(s), in a announced package, suddenly goes off air on the reason best known to the MSOs itself.
- MSOs are in no mood to monitor and/or control the price tag of the package as they are into business fight with their counterpart to acquire more and more ground.
- MSOs have no infrastructure to maintain appropriate data sheet of activated consumers. There is a huge mismatch in the activated consumers data sheet of cable operators with MSOs and cable operators had to accept the illogical demand of MSOs record in order to avoid harassment.
- There is a error in the subscribers management system of the MSOs for which activated/paid consumers services are being deactivated during the tenure leading to consumers grievances and annoyance of which cable operators have nothing to do with.
- There is no system and/or mechanism deployed by the Government/Authority about the awareness/education towards the consumers segment who are reluctant to pay the price tag

of a given channel package and even the respective government revenue as taxes. Consumer, in group/forum, opposing to pay the charges of cable subscription and taxes even. There are numerous cases that cable operators has been forced, threatened, harassed while they have asked consumers to conform the payment policy. The network property of cable operators has been cut into pieces, damaged in the midnight to restrict cable operators asking announced rate and government revenues.

- Government/ Authority have laid down nothing for the system to regulate and/or control such loop holes of the system which are actually dragging the whole system, instead making the cable operators only responsible for such an act which will make cable operators life and their livelihood more critical.

**UNDER THE CONTEXT, TRAI'S ATTEMPT WILL MAKE THE WORKING CONDITION MORE CRITICAL/WORSE FOR THE CABLE OPERATORS AS IN ADDITION TO THE ABOVE STATED PROBLAMATIC AREA, THE PROPOSED DIRECTIVES WILL ENHANCES THE ADVANTAGE OF MSO'S FINANCIAL GAIN BY DIRECTLY ENCASH THE SUBSCRIPTION MONEY WITHOUT ADDRESSING THE CORE ISSUES AND THE BUG INTO THE MSO'S SYSTEM. THIS WILL ALSO ALLOW AND ADD ADVANTAGE TO THE MSO OPERATION TO DISAGREE/DISCARD ALL SUBMISSION OF CABLE OPERATORS IN REGARD TO BILLING RELATED DISPUTES. HENCE, OUR PROPOSAL IS THAT TRAI SHOULD PUT ASIDE THE PROPOSAL TILL FORMULATION OF APPROPRIATE**

**DIRECTIVES ON THE ABOVE STATED ISSUES IN ORDER TO SMOOTH FUNCTIONING OF THE SYSTEM.**

*“ The multi-system operator, either directly or through its linked local cable operator, shall issue a proper receipt for every payment made by a subscriber and the details of the receipt such as date and serial number of the receipt; amount paid by the subscriber etc. shall be entered into the subscriber management system of the multi-system-operator against the name of the subscriber, within three days of the payment made by a subscriber.”*

**Comments:**

**In addition to the above, we want to add that Cable Operators are acting as the interface of the Digital cable TV System and are responsible to maintain the network to provide quality service at the subscriber’s end, give service support on day to day basis and to upgrade their network infrastructure for all value addition services. According to TRAI, the onus of issuing proper receipt for payment and all are also to be maintained. As described above, TRAI should come out with a fresh regulation for the guideline of non-paying service holder, penalty clause of defaulting service holders, business protection policy of cable operators suffering out of public grievances for the cause of malfunctioning of MSO’s system. The directives on STANDARDS OF QUALITY OF SERVICE (DIGITAL ADDRESSABLE CABLE TV SYSTEMS) (AMENDMENT) REGULATIONS, 2014 should come out side by side with the said fresh regulation**

4.

**“16A. Consequences for contravention of the provisions of regulation 15 or regulation 16. ----** (1) If any multi-system operator or its linked local cable operator, contravenes the provisions of sub-4 regulation (1) or sub - regulation (5) of regulation 15, it shall, without prejudice to the terms and conditions of its registration or the provisions of the Act or rules or regulations or orders made, or, directions issued, there under, be liable to pay an amount, by way of financial disincentive, not exceeding rupees twenty per contravention with respect to each subscriber and in case of second or subsequent such contraventions, to pay an amount not exceeding rupees fifty per subscriber for each contravention, as the Authority may, by order direct.

**Provided that** if a written agreement has been entered into between the multi-system-operator and its linked local cable operator under the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012, wherein the linked local cable operator has agreed to give the bill to the subscriber or to issue proper receipt to the subscriber for the payment made by him or both, and a copy of such agreement has been filed by the multi-system-operator with the Authority, then the multi-system-operator and its linked local cable operator, both shall be liable to pay financial disincentives separately.

(2) If any multi-system-operator contravenes the provisions of sub - regulation (2) of regulation 16, it shall, without prejudice to the terms and conditions of its registration or the provisions of the Act or rules or regulations or orders made, or, directions issued, there

under, be liable to pay an amount, by way of financial disincentive, not exceeding rupees hundred for each contravention, as the Authority may, by order direct.

(3) No order for payment of an amount by way of financial disincentive under sub - regulation (1) and sub - regulation (2) shall be made by the Authority unless the multi - system operator or its linked local cable operator or both, as the case may be, have been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

**16B.** Deposit of amount payable by way of financial disincentive under these regulations. \_\_\_\_ The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by order by the Authority.”

**Comments:**

**It is appreciated that the ” financial disincentive” clause is essential for public related services in order to make the service provider fall in line. However, our concern, in this regard, are as follows :**

- 1. The main concern in connection to proper service, billing accountability, to protect revenues accruable to the Government, authority is ignoring the hardship of cable operators, cable operators business margin out of their**

**business activity, and loss of the revenue that will be incurred by the cable operators for mal-functioning of MSO's system.**

**2. Authority is also ignoring the lacking in the monitoring system. Authority has not able to provide protection to the cable operators for the loss of their property while acting and generating government revenues by means of enacting appropriate Act/Rule.**

**3. While trying to facilitate the system, authority unnecessarily clubbing cable operators and MSOs all together as responsible for such financial disincentive. This formula will create unnecessary disputes and differences between them in performing their respective role and responsibility. There is no mechanism yet set by the Authority to measure the non-compliance of service of Broadcasters and MSOs also which has a direct link to the service quality of Cable Operators as well.**

**UNDER THE CONTEXT, WE PROPOSE TO RESOLVE ALL ABOVE STATED ISSUES IN PARTICIPATION OF CABLE OPERATORS WHO ARE FACING THE HEAT OF ALL SUCH INAPPROPRIATE,**



**IRRELEVANT DIRECTIVES WHICH HAS GOT NO PRACTICAL AND POSITIVE EFFECT IN THE SYSTEM.**

**HOWEVER, THERE IS A CIVIL APPLICATION FILLED AND ABOUT TO BE HEARD IN THE HON'BLE HIGH COURT OF GUJARAT OBJECTING THE DAS REGULATION WHICH IS SAID TO BE ULTRA VIRUS. HENCE, FOR THE BEST INTEREST OF THE SYSTEM/INDUSTRY, MAKE APPROPRIATE MEASURES WITH NECESSARY AMENDMENT AFTER THROUGH DISCUSSION AND OPEN HOUSE MEETING IN ALL THE METROS WITH CABLE OPERATORS.**

**Thanking you in anticipation.**

**Sincerely yours,  
For Cable & Broadband Operators Welfare Association**

**Swapan Chowdhury  
General Secretary  
9836080592**

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