

**Response of Dish TV India Limited
to the
Consultation Paper
On
The Telecommunication
(Broadcasting and Cable) Services
Digital Addressable Systems
Audit Manual**

March 29, 2019

Submitted by:

Ranjit Singh

e-mail: ranjit.singh@dishd2h.com

At the very outset, Dish TV India Limited welcomes the present Consultation Paper on 'The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual'. It is a matter of fact that that audit has been one of the major contentious issues between the Broadcasters and the DPO's. In the new regulatory regime where the broadcasters are now mandated to provide their signals to the all the intending DPOs in a fair and transparent manner, it is expected that the present consultation would prove a paving stone in achieving the overall objective behind the said regime.

While most of the points in the present consultation paper have been conveyed to the committee constituted by Authority and were shared accordingly in the final draft submitted to the authority, we provide our specific response to the present consultation to the new points forming part of the present consultation paper as under:

Q1. Whether it should be mandatory for every DPO to notify the broadcasters (whose channels are being carried by the DPO) for every change made in the addressable system (CAS, SMS and other related systems)?

Ans. The Conditional Access System (CAS) and Subscriber Management System (SMS) is an integral part of any Addressable Platform. The TRAI has always believed that the right to deploy such CAS and SMS as the DPO may desire, should always rest with the DPO. Keeping the same in mind, the specifications of CAS and SMS have also been laid down by the TRAI. One of the important purpose of specifying the conditions of CAS and SMS was that the TRAI wanted to bring in a self-regulatory mechanism where the DPO, along with having the right to deploy the CAS and SMS of his choice, should also have the responsibility of ensuring that the CAS and SMS meet the specified conditions.

Further, it is also a matter of record that the Broadcaster, while granting the signals of its channels, seek a certificate from the DPO regarding the CAS and SMS. Accordingly, we believe that till such time the CAS and SMS

of the DPO is compliant with the specification laid down by the TRAI, there should not be any need to intimate any broadcaster regarding any changes made in the same. It is important to note that in any case, the broadcaster shall have the right to Audit the Technical Systems of the DPO.

As regards the changes in other related system, we believe there should not be any requirement of intimation to the Broadcaster by the DPO. The changes in the related systems are majorly in the nature of change in an encoder or mux, modulator, any servers in CAS, SMS and headend, cabling system and as such, there should not be any requirement to inform the broadcasters about these changes since these are routine exercise which are carried out by any DPO in the course of its business.

Q2. Whether the Laptop is to be necessarily provided by the Auditee DPO or the Audit Agency may also provide the Laptop? Please provide reasons for your comment.

Q3. Whether the Configuration of Laptop vide Annexure 1 is suitable? If not, please provide alternate configuration with reasons thereof.

Ans. While the broadcasters may have their right to conduct audit of the system of a DPO, the data maintained by the DPO is of utmost importance. To maintain the confidentiality of the data, the DPO should always provide Laptops as per the specification required by the Auditors. Dish TV agrees with the specification of the laptops as provided in Annexure 1. The Audit should be conducted only with such laptop(s) to connect to the DPO's SMS and CAS, which pertain to the DPO's Platform and neither the Broadcaster nor the Auditors should have the right to use of their personal laptop(s). The auditors may have the right to make electronic copies of working/ data analysis on their external storage devices subject to specific written consent of the DPO. The laptops should always reside within the premises of the DPO and the Auditors should not have the right to take the same outside of the premises of the DPO. The auditors must always keep the files password protected. Further, for the purpose of maintaining complete secrecy throughout the course of the Audit, no internet/wi-fi connection should be provided to the Auditors on the laptops. The DPO should always remain the sole owner and holder of all databases compiled by the

auditors during the audit.

Q4. Do you agree with the provisions regarding seeking of TS recording and ground sample information from IBF/ NBA for verification/ checking by the Auditor?

Ans. We agree with the provisions regarding seeking of TS recording and ground sample information from IBF / NBA for verification / checking by the Auditor. However, under such circumstance, where the Auditor seeks this information from the NBA / IBF, the Auditor should also grant the DPO an opportunity to provide the information / recording from the side of the DPO so that the Auditor can undertake an independent evaluation.

Q5. Do you agree that Data Dump may be cross-checked with weekly data of sample weeks basis? If yes, do you agree with checking of random 20 % sample weeks? Please support your comments with justification and statistical information.

Ans. The purpose of providing the data dump is to let the Auditor evaluate and cross verify the subscriber numbers reported to the Broadcaster on monthly basis. Having the same in mind, under the Audits undertaken in the previous regime, the data dump of the last day of the each month of the Audit period was provided to the Auditor since the subscriber numbers as on the first and last day of a particular month was provided by the DPO to the Broadcaster. However, with the change in the new regulatory regime, the DPOs are required to provide the subscriber numbers on weekly basis and accordingly the data dump of the last day of each week may be sought by the Auditor to cross verify the subscribers numbers reported to the Broadcaster by the DPO.

However, as regards the transaction data dumps i.e., the data of the transactions undertaken during the entire Audit period – it should not be more than 10% of the entire transaction data dump. It is pertinent to note that millions of transactions are done during an Audit period and accordingly, the volume of data will be huge. It is matter of common practice that with such large volume of data, the Audit is always done on sample basis. The extraction of the transaction data for the entire Audit period will be hugely time taking and will create hurdles in timely completion of an Audit.

Q6. Do you agree with the proposed Data extraction methodology? If not, suggest alternates with reasoning thereof.

Ans. Dish TV strongly objects to the area wise/city wise/state wise data extraction as provided in point 1 to 3 under Data Extraction. It is stated that DTH is a Pan India operation and therefore no question arises for maintenance/provision of the data in the manner as sought to be provided under the particular heading. It is a matter of record that the “target market” declared by the DTH operators is Pan India and accordingly, the state wise subscriber number is not relevant for the Broadcaster. It is also a matter of record that the DTH operators are not required to provide the state wise report to the Broadcasters so there is no question of conducting an Audit about a data which has not been provided to the Broadcaster.

Further, Dish TV does not agree with the first two points mentioned in the Guidelines for Extraction which provides for (i) declaration of admin/super admin rights to the Auditors for login access to CAS & SMS servers and (ii) to mandates running of queries on the live systems.

As against the point (i) it may be appreciated that data residing in the system is of huge importance and no one should be allowed to have any direct access for to the CAS and SMS and thus no question arises for allowing the Auditors to have any login access to CAS & SMS servers.

On the issue regarding running of queries in the live system, it may be noted that the any query generated by the Auditors shall directly impact the live systems resulting into disturbances in the live systems which is required to have and thereby resulting into adverse impact on the day to day operation of the DPO. This is why this issue was strongly objected. On the contrary it is suggested that the DPOs should be allowed to provide data dump to the Auditors which are generally taken at the odd hours and the same should be provided to the Auditors.

Q7. Do you agree with verification and reporting of City-wise, State-wise and Head-end wise subscription report? Please provide supporting reasons/ information for your comment.

Ans. Dish TV strongly refutes with the suggestion given above for the reasons already mentioned hereinabove. At the cost of the repetition, it may be stated that DTH operation is a PAN India operation and neither a DTH operator executes any agreement with any broadcasters for provision of City-wise, State-wise and Head-end wise nor any report is maintained by a DTH in the said format. Further, there is no justifiable reason for maintenance of the data in such a format and as such the said issue should be forced / mandated on the DTH operators.

In addition to the above, Dish TV has strong objections on the inclusion of certain points in the audit procedure which are as under:

- i. Perform checks on IP configuration to confirm and identify live and proxy servers. This shall include IP credentials of all the servers include MUX: It is stated in this regard that not only the same is required for conducting any audit exercise but the same poses a potential security threat to the CAS and SMS system of the DPO.
- ii. The CAS shall be able to tag and blacklist VC numbers and STB numbers that have been involved in piracy in the past to ensure that such VC or the STB cannot be redeployed: It is stated that though activation and deactivation can be done through CAS, but CAS cannot differentiate between a deactivated VC whether on account of piracy or due to lack of insufficient fund. The said requirement therefore should be done away with.
- iii. The watermarking network logo for all pay channels shall be inserted at encoder end only: This particular provision was strongly objected by the DTH operators all throughout and the same would require replacement of all the headend which is not possible. For example Dish TV operates two brands from the same head-ends for the same content and to implement this condition Dish TV would require to

replicate the entire headend which is extremely cost consuming. More so when the very same purpose can be achieved by simply conducting mother fingerprinting from the broadcaster's end which entailing any cost, there is absolutely no requirement for forcing the said condition on to the DPOs.

Q8. Do you agree with the tests and procedure provided for checking covert and overt fingerprinting? Provide your comments with reasons thereof?

Ans. While we agree with the procedure applicable for over fingerprinting, however we have strong objection to the adoption of the same in the covert fingerprinting as well despite our specific objection in the final draft submitted to the TRAI wherein it was specifically pointed out that any such conditions should be prescribed only on the boxes deployed after the implementation of the new regulatory regime as the procedure is not possible to be adopted for the legacy boxes which are being used by majority of our subscribers.

Q9. Any other suggestion/ comments on the provisions of the Audit Manual.

Ans. The authority must appreciate that the data holds the supreme importance and considering the same it should be mandated the audit agency which does the audit should be strictly mandated that it shall not share any data belonging to one broadcaster with any other. To ensure the same, there should be a provision to take appropriate undertaking from the audit agency before commencement of the audit exercise.