

13<sup>th</sup> May, 2019

To,  
**Mr. Anil Kumar Bhardwaj**  
Advisor (B&CS)  
Telecom Regulatory Authority of India (TRAI)  
Mahanagar Doorsanchar Bhawan  
Jawaharlal Nehru Marg (Old Minto Road),  
New Delhi-110002

**Sub: Comments on Draft “The Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulation, 2019 (“Draft Regulation”)**

**Respected Sir,**

We would like to take this opportunity to offer our sincere gratitude to Hon’ble Telecom Regulatory Authority of India (TRAI) for coming out with this draft so that the stakeholders can share their concern/issues/observation, which very clearly points to the consultative nature of the authority before making any final decision on any issue.

The Register of Interconnection Agreements is a welcome step towards bringing further transparency in the Broadcasting and Cable Sector by prescribing standard norms of reporting. While welcoming the same, we would like to highlight certain areas in the “Draft Regulation”, which in our opinion are germane to the issue and calls to be addressed by the Authority while finalising the same:

**1: Relaxation given to the DPOs having average subscriber base less than two Lakhs of its entire distribution network (including joint venture(s), if any)**

Authority would appreciate that the new Regulation(s) promulgated on 3<sup>rd</sup> March 2017 i.e. (a) The Telecommunication (Broadcasting and Cable) Services (Eight) (Addressable Systems) Tariff Order, 2017; (b) The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulation 2017; and (c) The Telecommunication (Broadcasting and Cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulation 2017, (together referred as “New Tariff Regime”) **are based on the premise of transparency, non-discrimination & level playing field.** New Tariff Regime does not discriminate between the DPO(s) on any ground and requires all DPOs to follow it religiously irrespective of its size/target

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market/ technical and IT capability, financial position etc. and in its letter and spirit. Just to elaborate further, the quality of service norms with regard to maintaining website, providing information to consumer on the website through consumer corner, giving bills to end consumer, displaying channel price on the channel, having call centre & a toll free number for consumers to connect, etc. is as applicable to a DPO operating at PAN India Level as to a DPO operating in a state or a smaller geographical area. The above relaxation on the basis of average subscriber base assumes that these DPOs may have capacity constraints both in terms of manpower as well as financial. If this assumption is taken to be correct, it would also mean that such DPOs would not be required to comply with the Quality of Service Regulations, as the assumption of having constraints in terms of manpower as well as financial is equally true here.

One important aspect that the authority needs to take into account is that though the DPOs with Average Subscriber Base of 2 lakhs seems to be small in comparison with DPOs operating at PAN India basis, however these smaller DPOs are market leader or number two or number three in their respective markets. This is particularly true in case of Cable. Some of the examples are Seven Star Dot Com Pvt Limited, JPR Channel, Mauli Cable Network, Digi Home Cable Entertainment India Pvt. Limited, ABS Digital Cable Pvt. Limited and ABS Entertainment Pvt. Limited in Mumbai, Maharashtra, Digiana Projects Pvt. Limited and ACN Digital Pvt. Limited in Indore, Sree Digital Home Entertainment Pvt. Limited in Bengaluru etc. At the same time, would also like to highlight that these DPO's track record of QOS compliances have been abysmal in the past and continues even in the New Tariff Regime.

At the same time, by giving this relaxation, the Authority itself would be creating two classes of DPO's, which does not entail good for the future of this sector. This would further give rise to different classes of DPOs asking for some or the other relaxation from complying with one or the other requirements of the New Tariff Regime.

Hence in our opinion this relaxation to so called smaller DPOs, can prove catastrophic for the sector as these smaller DPO's, taking advantage of this relaxation can undermine the subscriber base of other DPO's, who are following TRAI Regulations /Directions in letter and spirit, leading to chaos in the market, which may result in collapse of the New



Tariff Regime and its stated objective of **transparency, non-discrimination & level playing field in the cable and Broadcasting Sector.**

Hence in our view, as such there should not be any such relaxation given to any DPO.

**2. Details of Information to be reported:**

The authority would appreciate that we as an MSO have to deal with around 11,000 Local Cable Operators and have to sign interconnect agreement with them. We completely understand that for the sake of transparency, it is important to share copy of these agreements with the authority and hence our only request is that the same should be allowed to be provided to the Authority only through e-filings. This would not only be convenient but would save lot of natural resource.

**Thanking you,  
Yours Faithfully,  
For Hathway Digital Private Limited**



**Niharika Matlani  
Company Secretary and Compliance Officer**

