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Telecom Regulatory Authority of India

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Old Minto Road,

Near Zakir Husain College

New Delhi 110002

Kind Attn: Prof. M. Kasim- Advisor (B & CS)-III

Respected Sir,

Ref: Consultation Paper on Issues related to Quality of Services in Digital Addressable Systems and Consumer Protection.

Subject: Our Comments to the Consultation Paper No. 6/2016 dated 18.05.2016.

We write in reference to the Consultation paper dated 18th May, 2016. At the outset, we would like to thank TRAI for taking up a much awaited Quality of Service ("QOS") guidelines with view to improve the efficiency in the Broadcasting Industry.

QOS was first introduced in 2012 and thereafter numerous dynamic changes have happened and are happening in the Broadcasting sector wherein there is an urgent need to bring changes in the QOS guidelines. Implementation of the current QOS regulation on the ground has been a challenge particularly the regulation relating to invoice and

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receipt issuance to the subscriber. The Local Cable operator has been claiming the ownership of the subscribers have been resisting the delivery of bills to the subscriber. The Bill is generated by the MSO in the name of the Local Cable Operator, however as mandated under the current QOS regulation, the service tax and entertainment registration numbers of MSO is mandatory, to be mentioned on the invoice which is causing a lot of distress to the MSOs due to harassment from service tax and entertainment tax officers.

However with THE TELECOMMUNICATION (BROADCASTING AND CABLE SERVICES) INTERCONNECTION (DIGITAL ADDRESSABLE CABLE TELEVISION SYSTEMS) (SEVENTH AMENDMENT) REGULATIONS, 2016 (No. 3 of 2016), the billing issues seems to have been resolved with MIA very clearly laying down the responsibilities in this regard. However relevant changes in the QOS regulations 15(2) is required, whereby providing for the service tax no. and entertainment no. of the entity which has contracted with subscribers and which has the billing relationship with the subscriber needs to be brought in and this consultation paper provides an opportunity for the same.

We are hereby enclosing our comments on the Consultation Paper, for your kind perusal.

In case of any clarification, do let us know.

For Hathway Cable and Datacom Limited



Ajay Singh



Head-Legal, Company Secretary and Chief Compliance Officer

Comments on Consultation Paper on Issues related to Quality of Services (“QoS”) in Digital Addressable Systems and Consumer Protection.

Q 1. What should be broad contours for a QoS Regulatory framework for digital addressable systems? Please furnish your comments with justification.

Response: QoS framework should be governed by a Self-regulated Industry body (“Body”) comprising of all the relevant stakeholders. The Body shall be formed and given at least a 6 months’ time to come with QOS framework. It has been observed that these kinds of self regulating industry bodies have been working very well. Though the Self-Regulation Model has traditionally been viewed with scepticism. The in-built conflict situation that a self-regulatory organisation would naturally face between advocating and promoting the interest of the individual member and that of the larger interest of the industry has always been flagged up in a regulatory environment. However country has come a long way and almost all professional fields have self-regulatory bodies governing their activities.

To site as an example, The Advertising Standards Council of India, ASCI was founded in 1985. The three main constituents of advertising industry viz advertisers, advertising agencies and media came together to form this independent NGO. ASCI’s team consists of the Board of Governors, the Consumer Complaints Council (CCC) and its Secretariat. ASCI has 12 members in its Board of Governors, four each representing the key sectors such as Advertisers, advertising agencies, media and allied professions such as market research, consulting, business education etc. The CCC currently has about 21 members: 9 are from within the industry and 12 are from the civil society like well-known doctors, lawyers, journalists, academicians, consumer activists, etc. The CCC’s decision on

complaint against any ad is final. ASCI also have its own independent Secretariat of 5 members, which is headed by the Secretary General.

Similar kind of Body can be formed to regulate the Cable Industry as well, consisting of representative of Broadcasters, DPOs, LCO's, Legal Experts, consumer activists, Technical expert that would lay down the parameters and guidelines to be followed by the stakeholders keeping the consumer interest as paramount.

Q 2. Should there be a uniform regulatory framework for Quality of service and Consumer protection across all digital addressable Platforms? Please provide your comments with justification.

Response: Various DPOs i.e. MSO, DTH, HITS & IPTV work on different business model and face different challenges. For example DTH is purely a B2C (Business to Consumer), where as MSO work on B2B to C (Business to Business and Consumer) model and it has a significant intermediary Local Cable Operator (LCO) in between MSO and the Subscriber.. 90% of the MSO business happens through LCO and MSO is dependent on the LCO to carry various QOS regulations currently in vogue and hence that needs to be kept in mind while framing any framework for QOS. There cannot be uniform regulatory framework for Quality of Service and Consumer protection for the DTH and MSO's.

Q 3. Should timelines relating to various activities to get new connection be left to the DPOs for transparent declaration to the subscribers? If so, how can the interest of the subscriber be best protected if the connection is not provided in given time frame?

Response: The Cable industry is in its third year of Digitization and there are already 6 DTH and around 700 MSO operating on a PAN India Basis, which clearly imply that there

is extreme competition in the sector. In case any DPO is not able to give new connection to the Subscriber in quick time, Subscriber having ample choice can go to any other service provider. Hence the interest of the consumer is duly protected and in that sense there is no requirement for regulating the same.

Q 4. What should be the time limits for various activities, as mentioned below, to get new connection? Please provide your comments with justification.

(a) Response time for processing new service request and conveying feasibility of providing connection at the desired location.

(b) Time line for completion of CAF, installation and activation of service.

Response: As submitted above, it is proposed that the laying down of time limits should be left to the DPO themselves. However, in the event the Authority does not accept the said proposal the following time limits are being proposed :-

- (a) Response time for processing new service request and conveying feasibility of providing connection at the desired location – In case of MSOs, the request is received by the MSO's through the LCO's and hence looking at the dependency of this on the LCO's and assuming that the LCO's conveys the same to its MSO within 24 hrs. of the receipt of such request from the Subscriber, It is submitted that the maximum response time for processing new service request should be 48 hours.
- (b) Time line for completion of CAF, installation and activation of service.

- (c) The Model interconnect agreement vide clause 9.1 provides that LCO shall handover a copy of the CAF received from subscribers within 15 days to the MSO, hence as far as MSOs are concerned, 15 days is appropriate timeline.

Q 5. Should minimum essential information that must be included in the CAF be mandated through regulations so as to maintain basic uniformity? Give your suggestions with justification.

Response: We have reviewed the Annexure III prescribed in the consultation paper for the information to be contained in the CAF. We are fine with annexure III, subject to changes as listed below:

Part A: DPO related information

Here detail of MSO Entertainment Tax/ Service Tax registration number there, as it has no relevance in CAF.

Part B: Consumer related information

The details sought are fine.

Part C: Service related information

The details sought are fine.

Part D: CPE related information

Here the scheme offered by MSO should also be there.

Part E: Customer care related information

Here email Id and Contact details of LCO should also be there, since for secondary point subscriber invariably LCO is the first point of contact.

Part F: Service partner related information

The details sought are fine.

Part G: Details of payment made

The details sought are fine.

However, the technology has evolved now and instead of physical CAF, emphasis has to be on having eCAF facility. The Authority should do away with the necessity of having physical CAF and encourage use of eCAF.

Q 6. Should minimum font size be specified for CAF? If not, how can it be ensured that important information provided in CAF is given in a manner such that a consumer can read it easily?

Response: Printing of CAF is a cost and hence there should not be any restriction on the font size subject to it being legible and readable by the subscriber.

Q 7. Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification.

Response: Looking at the ease, which is brought by the use of technology, eCAF should be mandated as it is also environment friendly and it would reduce the cost to the MSO's.

Q 8. Should the minimum essential information to be included in the MoP be mandated through regulations to maintain basic uniformity and to ensure that consumers get all relevant information about the services being subscribed?

Response: The Basic information to be provided in MOP should be mandated, which would enable subscriber to have the requisite information about the services.

Q 9. What should be the minimum information to be included in MOP? Please provide details with justification?

Response: The details provided in Annexure –IV covers all the points and hence we are fine with the same.

Q 10. Should it be necessary to provide a printed copy of MOP to all the customers at the time of subscription to the service? If not, how it can be ensured that all required information is available to subscribers when required?

Response: There is no need to provide the printed copy of MOP as the same is available to the Customer on the Company's website. The whole country is currently in the cusp of Digital Revolution and hence it is important that broadcasting sector also makes full use of technology and enables India to become a Digital Country. Hence this practice of giving physical copies to the customer should be done away with.

Q 11. Should there be an initial subscription period while providing a new connection to protect the interest of both the subscriber as well as DPOs?

Response: We can have the same kind of regulation as is applied in telecom where when a subscriber ports from one network to another, he is necessarily required to continue with the new network for 90 days.

Q 12. If so, what should be the duration of such initial subscription period?

Response: As stated in answer to question 11, the initial subscription period has to be 90 days.

Q 13. What protections should be provided to subscribers and DPOs during initial subscription period? Give details with justification?

Response: It is submitted that there is a need to relook and rework Clause 10(1) of the DAS QoS Regulations, which prohibit a MSO from changing the composition of the subscription package for a period of 6 months from the date of enrolment of the subscriber or in case of advance collection of subscription fee the entire duration of the package.

It is submitted that Clause 10(1) (a) is causing tremendous hardship to the MSOs. It is submitted that the Broadcasters usually sign subscription agreements for a duration of 1 year with MSOs, whereas for DTH Operators the duration is 3 years. Furthermore, even the Subscription Agreements with different Broadcasters are executed on different dates, some coinciding with the financial year, some with the calendar year and other having a unique cycle of their own. In such a situation for any MSO, at every point in time

in the year some Subscription Agreement or the other is near expiry and thus, in such a situation mandating that the packaging remain the same for a period of 6 months from enrolment, puts the MSO in an onerous position. The Regulation is being misused by Broadcasters to arm twist MSOs to execute, unfavorable deals as the MSO is bound by its packaging obligations and cannot make the channels available on a-la-carte basis.

It is submitted that the Clause 10(1) should be modified to the extent that the packaging cannot be changed by the MSOs for a period of 6 months from the introduction of the package, and not from the date of enrolment of the subscriber. In the case of subscribers who have made advance payment, the MSO can reduce the price on proportionate basis.

Q 14. What should be the framework for compensation to the subscriber for dropping of a channel due to its non-availability on the DPOs' platform?

Q 15. How should the reduction in subscription charges be calculated in case of discontinuation of channel from DPOs platform? Please provide your comments along with justification.

Response: In response to Q14 and Q15 it is submitted that in the case of non-availability of channel, the subscription charges can be reduced on proportionate basis on the same lines that is currently provided under Sub Regulation (2) of regulation 9A of "The Direct to Home Broadcasting Services (Standard of Quality of Service and Redressal of Grievances) (Amendment) Regulation 2009.

The Current QOS regulation 10(2) which provides for reduction of the pack price by an amount equivalent to alacarte rate of the channel being displaced on the MSO network is too harsh and puts additional burden on the MSO financials primarily for the reason that

the LCO do not pay the MSO currently as per packages but a Lumpsum amount per subscriber.

Hence it would be appropriate to revisit the regulation and change the same as suggested above.

Q 16. *In following cases what should the maximum permissible time of disruption beyond which subscriber must be compensated?*

(a) Disruption due to technical fault on the DPO network or at the subscriber's end

(b) Disruption due to technical fault of CPE at the subscriber's end

Response:

(a) Disruption due to technical fault on the DPO network or at the subscriber's end – 24 hours

(b) Disruption due to technical fault of CPE at the subscriber's end – 24 business hours

Q 17. *In following cases what should be the duration of disruption in service warranting compensation to the consumer and how the compensation should be calculated?*

(a) Continued Disruption due to technical fault on the DPO network or at the subscriber's end beyond the pre specified time.

(b) Continued Disruption due to technical fault of CPE at the subscriber's end beyond the pre specified time.

Response: There should not be such timeline prescribed in the regulation. It is in DPO's interest to render services at the least possible time to retain customers. However, in case a DPO is not able to resolve the issue within the specified period, the subscriber may be compensated by being offered a discount, which should be proportionate to the period for which he was denied the service + an additional 10% of the adjusted amount. This adjustment should be made in his monthly bill. However such discount should not be applicable in case of force majeure like lightning, Act of God, War, riot, act of terrorism, etc.

Q 18. What should be the framework and terms and conditions for shifting of connection including timelines in respect of PAN India DPOs where provision of connection at new location is feasible?

Response: It is submitted that the framework and terms and conditions for shifting connections should be left out of the Regulatory Framework. There is enough competition among the DPOs and it is in their interest to provide efficient services to the Subscribers else it is only they who would have to loose. Further as suggested in the response to Q1, the QOS for the same can be decided by the industry body, whatever it deems fit.

Q 19. Is there a need to prescribe procedure for transfer of the TV connection? If so, what should the procedure, terms and conditions for transfer of services connection and timelines?

Response: Refer to our response above, there is no need for the same.

Q 20. What should be the framework to address the concerns of stakeholders (Subscribers and DPOs) relating to temporary suspension of service?

Response: The observation that no cost is incurred during period of suspension and for activation deactivation is incorrect as several sunk costs (like manpower , content deals, infrastructure) are incurred based on the subscriber base – Hence it is respectfully submitted that there should be no regulation mandated “free suspension period” - The DPO may in its discretion offer such schemes. In the event of any suspension, DPO should be permitted to charge a “Reactivation charge” as a punitive measure to discourage customers from misusing the facility.

Q 21. How issue of abrupt closure of service due to non payment can be addressed while protecting the interest of subscribers and DPOs?

Response: It is submitted that in the event of non-payment by the Subscriber, the MSO shall be given a right to immediately disconnect the services. The customer shall also be mandated by the guidelines to clear the dues of the MSO prior to shifting to another DPO. There is a rampant misuse of the current regulation which provides that a customer has to be given a notice period of 15 days before disconnection. This is being misused by the LCO to a large extent. The LCO do not provide the Subscriber payment details to be uploaded in the SMS or in case where DPOS have implemented portals for ease of business, enter the same in the SMS. Hence the MSO effectively does not know which subscriber has paid and who has not and effectively continues to pay to the Broadcaster for a subscriber who has not paid. The Problem is further compounded by the fact that LCO informs about such defaulting Subscribers after couple of months and holds back the MSO payment for such subscriber while the MSO has already paid to the Broadcaster. In

such scenario, giving 15 days further notice seems to completely irrational and should be done away with.

Q 22. *Is gradual closure of service as discussed in para 8.23 is a feasible option? If so what should be procedure and the framework?*

Response: The authority itself in the Consultation Paper has pointed out, that Telecom service is different from the broadcasting sector. Extension of time for payment while permitting free to air channels may only create more disputes then solving the problem. Hence this is not a feasible option.

Q 23. *What should the procedure and timeframe to inform the subscriber regarding closure of service due to closure of business?*

Response: It is submitted that in case of closure of business by a DPO a Notice of atleast 15 days can be given by the DPO to its Subscribers.

Notice can be issued to the subscriber by scroll on all channels.

Q 24. *Why uptake of mandated schemes for set top box (Outright purchase, Hire purchase, and on rent) is so low at present? How consumer awareness on these issues can be increased?*

Response: It is a misconception that mandated schemes off take is poor due to lack of consumer awareness. On the contrary, due to the hyper competitive environment, DPOs heavily subsidize the CPE and offer under very low priced activation schemes, making it viable and attractive for the consumer to opt for the alternate scheme.

Q 25. What should be the consumer friendly common framework of CPE Schemes for providing CPE to consumers in digital addressable system? Please provide your comments with justification?

Response: In this competitive environment, there is no need to mandate any schemes for providing CPE to consumers.

DPO's should be allowed to frame schemes to suit to the customer's needs. Further the authority is already working towards interoperability of STB's and have floated the consultation paper for the same and once the technical and commercial aspect are taken care of, all these issues would become thing of the past.

Q 26. What should be minimum essential information related to a CPE scheme that must be made available to the consumers to safeguard their interests? Please provide your comments with justification

Response: The essential information related to CPE that must be made available to the consumers to safeguard their interest is as under:

1. Details of the Scheme.
2. Cost of Scheme.
3. Guarantee/ Warranty Period of the CPE.
4. Annual Maintenance Contract (if applicable).
5. Procedure for surrender of CPE (if applicable).

Q 27. What measures may be adopted to ensure availability of good quality CPE to consumers?

Response: It is submitted that the CPE being provided by all MSOs must confirm to BIS standards.

Q 28. Should any charges such as visit charges, etc. be charged from the subscribers during guarantee-warranty period?

Response: DPOs must be permitted to charge an AMC fee or a per call visit fee, at its discretion. In case of waiver of the charges there are chances that customer may continuously demand for visit whether problem persist or not.

Q 29. What should be provisions for maintenance of CPE after the expiry of guarantee-warranty period?

Response: It is submitted that DPOs should be permitted to formulate their offerings for provision of maintenance of CPE after expiry of guarantee– warranty period, since DPOs are not the manufacturer of the SET TOP Boxes, they also need to tie up with third party vendor for provision of services.

Q 30. What should be the simplified provisions for surrender of CPE in case of closure of service by the subscribers in order to protect their interest?

Response: The procedure of surrender of CPE would depend upon the scheme being opted by the subscriber and should be published by the DPO's on their website. Since the subscribers takes the STB through the LCO, it can submit the same with the LCO, who in turn returns the same to the MSO and in case any amount is refundable under the scheme opted by the Subscriber, MSO should refund the same through its linked LCO.

Q 31. Please suggest the standards and essential technical parameters for ensuring good quality of service for the following digital addressable platforms:

- a). Digital Cable TV**
- b). DTH**
- c). HITS**
- d). IPTV**

Response: It is submitted that the existing technical parameters ensure good quality of service and there is no need to modify the same. It is submitted that DPOs have invested huge sums of money to set-up their infrastructure to comply with the existing technical specifications, any change in the technical specifications would result in further expenditure to upgrade the infrastructure. As on date, all MSOs are already suffering huge losses due to the colossal investments made towards digitalization, in such a situation incurring of further expenditure by MSOs is nearly impossible.

Q 32. What are the different methods to effectively increase consumer awareness?

Response: The following modes can be used for increasing consumer awareness:

1. Running of scrolls on channels
2. Making available information on the website of DPOs and/ or TRAI
3. Quarterly Advertisement campaigns
4. Interaction between MSO's, LCO's and subscribers.

Q 33. How consumer related information can be effectively provided to Subscribers through DPO website. What minimum information should be provided through consumer corner?

Response: The current regulations already provides that Subscription Package(s), CPE, MoP, Consumer Charter & related information is to be provided on the website of the Company which can be easily accessed by the consumer and is being currently provided by us .

Q 34. *Can outsourcing to the third party for various web based operations be permitted especially for smaller DPOs?. If yes, what precautions are taken to ensure that such provisions are not misused?*

Response: Yes. This shall be of great help to smaller DPO's. There cannot be misuse as the website shall only disseminate information regarding the various offerings by the DPOs.

Q 35. *In case of the use of "In Channel" communication means, what should the guidelines for running scrolls or other onscreen displays, so that it does not adversely impact the viewing experience?*

Response: It is submitted that scrolls should be permitted below the line. Furthermore, "In channel" communication should be allowed in case the subscriber chooses for the same.

Q 36. *What options can be used for verifiability of subscriber communications for any change in service or provision of additional service?*

Response: The following options can be used for verifiability of subscriber communications:

1. Registered Mobile Number (RMN)
2. Registered Email Address

Q 37. What should be the duration to preserve such verifiable subscriber communications requesting change in service or provision of additional services at DPO level?

Response: The maximum time period for which such data should be preserved is 6 months.

Q38. What should be optimal number of channel packages which meets the subscriber demand and are well understood by the subscribers?

Response: Currently all DPOs are offering package based on the choice of consumers. India being a diversified country with various languages and culture, there cannot be any optimal number of channel packaging. Further as the authority is in the process of coming out with the New tariff order and as suggested by us during the consultation process on the same that "Integrated Distribution Network Model" with minor modification is the way forward , which would ensure that all these issues are taken care of, since it has the following benefits :

- a. This model is suited in the best interests of the entire value chain;
- b. This model will ensure transparency, non-discrimination and level playing field between and within stakeholders;
- c. Subscriber has the full freedom to choose the channels and pay accordingly;

- d. This model ensures fair pricing such that pricing power lies with Broadcasters with the price caps being decided by TRAI;
- e. DPOs' interests are also protected as they will be able to charge rentals, which will provide fair and reasonable returns on their investments (both upfront capital investments + Recurring operating costs) to deliver the signals to the subscribers.
- f. Broadcaster to announce the "MRP" subject to genre-wise cap specified by the TRAI. MRP may differ from state to state subject to taxes being levied in each state. The content being produced by the Broadcasters are monopolistic in nature and hence creates significant market power. Hence, there is a need for regulatory intervention to cap genre-wise pricing of channels;
- g. The commission payable by the Broadcasters to all DPOs should be non-discriminatory and uniform and should be published on the website of the TRAI;
- h. Broadcaster should not be allowed to create their own bouquets as they tend to push the non-driver, non-popular channels by keeping a-la-carte rate of driver channels at a higher price and heavily discounting the bouquet price:
 - i. Packaging should be the sole prerogative of the subscribers;

Q 39. How the package offerings can be improved in case of cable TV services so that effective choice is made available to the consumers?

Response: Kindly refer to our response in Q 38.

Q 40. Whether the choice of Pre or post-paid method should be mandatorily made available to the subscribers?

Response: It is submitted that a prepaid mechanism is the ideal solution to leverage technology to the fullest.

The pre-paid method should be encouraged in case of cable TV services provided through LCOs.

There are strong reasons for making the offering of cable TV services by MSOs in DAS compulsory on a pre-paid option only. This is because of the following reasons:

a) In the DAS regime, MSOs have obligations similar to Direct to Home (“DTH”) operators, but are dependent on Local Cable Operators (“LCOs”) for collection of the subscription amount, unlike DTH operators. DTH operators can implement the pre-paid option because they have direct access to the subscribers. However, MSOs cannot implement it on account of the presence of LCOs in between them and the subscribers. This anomaly can be rectified by making pre-paid collection by MSO in DAS mandatory.

b) MSOs cannot perform some of its obligations imposed by the Cable Television Networks Rules, 1994, and regulations issued by the authority if the regulation does not make pre-paid collection model for MSO in DAS mandatory. For example, some of the parameters of quality of services relate to collection of the subscription amount and MSO may not be in a position to adhere to them because it is not collecting the subscription amount.

- c) The imposition of financial disincentives is upon MSOs for activities which are jointly undertaken by MSOs and LCOs. Since MSOs interact to their subscribers through LCOs, putting financial disincentives upon MSOs alone puts them at great risk of suffering financial losses for actions which may not be under their direct control.
- d) The pre-paid option will reduce the disputes between the MSO and subscribers; ensure better collection and realization of revenues and help the subscribers to efficiently budget their bills in accordance with their paying capacity.
- e) For cable TV service, service tax and entertainment tax, as applicable, are required to be collected from the subscribers and deposited with the Government. In the case of pre-paid model, the collection of taxes from subscribers and their deposit with the Government will be streamlined.
- f) It will bring transparency in the payment procedure and will also ensure better and faster resolution of complaints through online redressal of complaints.
- g) The bills for charges due and payable by each subscriber get generated by MSOs and delivered to the LCOs. There is, however, no certainty as to the delivery to the end customer, which, in effect, may not happen, as against the regulatory requirement. Absence of details also prevents issuance of receipt since there is a yawning gap between the actual collection and the amount billed. Further, in many places, LCOs also do not permit the implementation of packages. This also leads to failure to comply with the requirement of itemized billing to indicate the price of individual channels or bouquet of channels, charges for set top boxes, taxes along with rates of taxes levied and charges for value added services, if any.
- h) Despite digitalization and addressability, which required huge investments by MSOs, the revenue realization on ground requires adequate cooperation from LCOs which has always been an extremely difficult task. Accordingly, MSOs are not able to collect their

due share from LCOs in a timely manner. LCOs maintain cards for the purpose of keeping the record of collection of monthly subscription fee from its subscribers. There are complaints that monthly receipts are not given to the subscribers or payment is not informed in timely manner to MSOs to update its Subscriber Management System leading to disconnection of signals.

i) Some other service-oriented sectors such as railways have mandated prepaid mode of payment by users. This has not led to any inconvenience for the customers, and carries significant advantages. These sectors have a compulsory pre-paid model mandated by law (Sections 50 and 55 of the Railways Act, 1989. In railways, Section 55 of the Railways Act, 1989 prohibits any person from entering or remaining in any carriage on a railway for the purpose of travelling as a passenger unless he has with him a proper pass/ticket/permission. Such ticket can be obtained by any person desirous of travelling on a railway upon payment of the fare, as per Section 50 of the Railways Act, 1989. It is clear that the payment of fare for travelling in railway has been mandated under law.

j) In case of 'entertainment', which includes any exhibition, performance, amusement, game, sport or race, etc. in the state of Delhi, tax is levied on admission to an entertainment, as per Section 6 of the Delhi Entertainments and Betting Tax Act, 1996. Moreover, no person is allowed to be admitted to any entertainment or gain entry except with a ticket in the prescribed form denoting that proper tax payable has been paid, as per Sections 9 and 10 of the Delhi Entertainments and Betting Tax Act, 1996. These provisions by implication make it clear that the entertainment sector has the provision of mandatory prepaid model by users. It is important to note that the same tax is levied and collected on cable and video services under the same Act (Section 7). Therefore, adopting a similar approach as other forms of entertainment and making prepaid model mandatory for DAS in cable services would be best suited from a taxation perspective as well.

The electronic pre-paid systems have the facility to record the amount paid by the subscriber in each subscriber account, calculate automatically the validity period based on the price of the subscribed services, automatically adjust the available amount as per the services already availed by the subscriber, and recharge the account through various modes like recharge vouchers, ATM machine, short-message-service, mobile/net-banking, auto-debit facility, etc. Therefore, mandating prepaid option of payment for DAS subscribers will ensure that an electronic trail is maintained for all payments made by subscribers, which is not the case at present.

DTH Broadcasting Service (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007 ("**DTH QoS Regulation**") does not specifically impose obligation on DTH operators to offer their services to the subscribers on both pre-paid and post-paid option, whereas an MSO must:

- (i) compulsorily offer his services at both post-paid and pre-paid models;
- (ii) leave the option to be exercised at the hands of the subscribers;
- (iii) provide itemized usage in both pre-paid and post-paid models;
- (iv) face penalty/financial disincentive in the event of failure to comply. Different regulations relating to pre-paid option applicable to MSOs and DTH operators puts MSOs at a disadvantageous position and has an adverse impact on it, both financially and operationally. As MSOs in DAS and DTH operators have similar role and responsibilities, they should also be subject to similar payment obligations. There is an arguable case that DAS QoS Regulation relating to pre-paid model should be made in line with DTH QoS Regulation to ensure that MSOs and DTH operators have similar obligations, or else it may violate the principle of level playing field, a well-recognised principle in respect of state actions in the telecommunications and broadcasting sector.

Q 41. What should be the essential information contained in the monthly Bill/ Usage details to be provided to subscribers in post paid or pre-paid system?

Response: The following essential information in the monthly bill/ usage details ought to be provided:

1. Packages Subscribed.
2. Monthly rental.
3. Subscription Fee.
4. Taxes.

Q 42. Should pre-paid method is encouraged in case of cable TV services provided through LCOs? Support your comments with justification.

Response: The pre-paid method should be encouraged in case of cable TV services provided through LCOs. As pointed out in our response to Q.No. 40, prepaid would resolve most of the ills that plague the cable sector now.

Q 43. What should be the billing cycle both for pre-paid and post paid? Please give your comments along with justification.

Response: It is submitted that the choice Should be left to DPO, subject to requirements under various tax laws and keeping in mind the customer base of the DPO.

Q 44. Should deduction of maintenance related charges for CPE from the pre paid subscription account be prohibited?

Response: These should be charged separately.

Q 45. How Toll Free number and call centre details can be widely publicised among the subscriber?

Response: We can have a multi level strategy to this:

- a) Individual subscribers can be informed electronically through regular B-mails/ scrolls etc.
- b) Company's website to highlight the same on its landing screen, Consumer charter & Manual of Practice. We can also look at a continuous scroll on our website, providing this information.
- c) Details can be highlighted and mentioned prominently on bill copies/pamphlets/leaflets CRF etc.
- d) Print Advertisements of Company's services to include Toll Free and Call Center details.

Q 46. How response time and accessibility of call centre including that of the Call centre executive can be enhanced?

Response: The same can be done through :-

- a) Efficient Call Forecasting.
- b) Adequate Manpower planning basis Call Forecast.
- c) Efficient monitoring of response time (Call Queue Monitoring/ improved RTA/controlling breaks etc.).
- d) Automated Reports.

- e) Effective and Regular Training.
- f) Soft Skills Training and Empathetic approach.
- g) Effective and efficient mechanism for Information/Call transfer for Calls landing at other Centers for better real time Customer experience.

Q 47. Please provide your comments on the following performance parameters discussed in preceding paras related to call centre?

Response:

- (a) Call centre availability hours- Preferably 24X7. However, TAT for calls received beyond business hours should be different, given our dependability on LCO for last mile connectivity and complaint redressal.
- (b) Multiple languages in IVR-We can look at Hindi, English for all Centers along with option of major Regional Languages like Bengali, Marathi, Tamil, Telgu & Malyalam.
- (c) Response time for answering IVR and voice to voice calls - Calls should be answered within 3 seconds & 80% of calls should be answered within 20 secs of hitting the IVR
- (d) Sub menu and accessibility of customer care executive- We can definitely look at Sub Menu- like New Connection Installation, Billing & Collection, Package/ Channel request/ Complaint etc., to enhance Customer experience. However, to have that Functionality, we need to have dedicated Resolution teams in place. To make this effective, we need to have LCO accountability and SLA definition on effective redressal.

Q 48. What should be the timelines for complaint resolution for different type of complaints at call centre and Nodal officer level?

Response:

1. Technical Problem/ No Signal- 4 business hours (except for Area Breakdown cases where it can be 12 business hours) at both Call Centre & Nodal Officer Level.
2. Billing- 3 business days at CC level and 7 business days at Nodal Level.
3. Package/ Channel Request- 1 business day at CC level and 3 business days at Nodal Level
4. All other complaints- 2 business days at CC level and 5 business days at Nodal Level

This can be achieved if we have defined and agreed SLAs with LCOs in place.

Q 49. Can outsourcing of call centre and web based complaint monitoring functions to third party help in increasing efficiency and compliance levels?

Response: In case the Company has the required infrastructure/ functionality/ skill set within, In-house Call Center can be looked at however outsourcing would be a good idea otherwise.

Q 50. What should be the innovative ways to develop a speedy user friendly complaint registering and redressal framework using Mobile Apps, SMS, Online system etc.

Response: We can look at seamless incorporation of both conventional as well as New Technology inclusion like SMS registration/ Web-based/ Mobile App based complaint management system for a better Customer Experience.

Q 51. What should be framework for implementation of electronic PMR?

Response: The PMR report should be system generated at the DPO's end and should be sent to authority through email on a monthly basis or authority can devise an online system where DPOs can input the required details every month.

Q 52. What should be framework for auditing of the records for QoS regulatory compliance by DPOs? Please suggest appropriate measures along with justifications.

Q 53. What should be framework for carrying out survey for QoS compliance and subscriber satisfaction?

Response: As stated in Q1., the industry body should devise the parameters for the same and also provide for the penalties in case of non compliance to QOS guidelines set up by it.

Q 54. What should be the framework and quantum for financial disincentives for non compliance to the prescribed QoS benchmarks? Please suggest appropriate measures along with justifications.

Response: As the authority is seized of the fact that digitization is currently going on and would be completed by Dec 2017. The MSOs have already made huge investment in Digitization and they are further expected to make investment in Phase 4. At the same time, it is important to note that the current tariff regime is also in flux with Broadcasters coming out with completely arbitrary RIO rates in pursuance of the TDSAT Judgement in NSTPL matter, while authorities tariff consultation process is still work in progress. Hence in the light of these, it is essential that forbearance should be there for atleast

another couple of years, when the whole sector settles down. Post which financial disincentive can be applied for non compliance.

Q 55. Should all channels carried on the platform of a DPO must be included and shown in the EPG? Justify your comments.

Response: Most of the national level MSO's display entire list of channels available on their Network in the EPG and not just the channels which have been subscribed to by the customer, As far as populating the details in the EPG is concerned, the same can be done by the MSO, if the same is made available by the Broadcaster to the MSO.

Q 56. Stakeholders may also provide their comments on any other issue relevant to the present consultation.

1: Mandatory publishing of Entertainment Tax and Service Tax Number of MSOs on invoices in terms of Clause 15(2) of the DAS, QoS Regulations: It is submitted that Clause 15(2) of the DAS, QoS Regulations is causing immense hardship and difficulties to the MSOs. It is submitted that publication of the Entertainment Tax and Service Tax Number on the invoice, makes the MSOs liable for these statutory dues. Kindly note that the Bills are generated by the MSO on behalf of the LCO (in the name of the LCO) to the subscriber and hence the service tax and Entertainment tax of the LCO needs to be put in there ,who is collecting that amount form the Subscriber and whose collection is not within the control of the MSOs. 90% of the connectivity of MSOs to consumers is through LCOs and it is the LCOs who are responsible for collection of these statutory amounts. The LCOs do not pass on the amount collected towards taxes from the customer to the MSO. In fact, under the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (Seventh Amendment)

Regulations, 2016, if the parties enter into a MIA (Model Interconnect Agreement), the liability to pay/ collect the statutory taxes can also be that of the LCO. The MSO through its web portal can facilitate the billing of the customers. In most cases, the MSO does not have any direct relationship with the customer, and only provides signals till the node of the LCO, who interacts with the subscribers.

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