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To,

Mr. S. K. Singhal - Advisor

Telecom Regulatory Authority of India,
Room No. 716, MTNL Building,
MahanagarDoorsancharBhawan,
Jawaharlal Nehru Marg, (Old Minto Road),
Near Dr. Zakir Husain College,
New Delhi-110002.

Subject :Response to the Consultation Paper on issues relating to Uplinking and Downlinking of Television Channels in India

Dear Sir,

Please find our response on the above mentioned subject, please find the enclosed document for the same.

Yours Faithfully,

For **Indus Digital Media & Communication Ltd.**

(Authorized Signatory)

Response to the Consultation Paper on issues relating to Uplinking and Downlinking of Television Channels in India :-

Definition of 'News and Current Affairs channels' and Non-'News and Current Affairs Channels'

4.1 Is there any need to redefine “News and Current Affairs TV channels”, and Non-News and Current Affairs TV channels” more specifically? If yes, kindly suggest suitable definitions of “News and Current Affairs TV channels” and Non-News and Current Affairs TV channels” with justification.

- There is a greater need to define news category as its loose definition has seen the entry of players who would like to misuse the power of the media.
- All news channels should be asked to submit their code of ethics from which a common code of ethics can be derived which should form part of the regulatory compliance of a news channel.
- The above should also determine the content mix permissible as part of the FPC (fixed point chart).
- A categorisation called infotainment may be considered. Channels such as Nat Geo, Disc, Histetc may be considered in this category. Another category which may be considered is Sports.

Net-worth of eligible companies

4.2 Should net-worth requirement of the applicant company for granting uplinking permission, and/ or downlinking permission be increased? If yes, how much should it be? Please elaborate with appropriate justification.

- Increasing the net worth will not put a stop to trading of licenses. Easing of regulatory processes where new entrants will always be encouraged to seek fresh licenses will automatically discourage horse trading.
- Also setting a kill date on fulfilling licenses issued will help weed out the wheeler dealers.
- Entities who would like to misuse the power of the media usually have a strong financial background and a higher net worth will not be a problem for them.
- For a professional to turn entrepreneur and for new entrepreneurs, a high net worth will not be possible in most cases.

4.3 Should there be different net-worth requirements for uplinking of News and non-News channels? Give your suggestions with justification?



- There should be minimum net worth requirements not only w.r.t News & non-News channels but possibly regional News & non-News channels. This will possibly help in bringing about regularization of local / regional channels.

Processing fee for application

4.4 Is there any need to increase the amount of non-refundable processing fee to be deposited by the applicant company along with each application for seeking permission under uplinking guidelines, and downlinking guidelines?, What should be the amount of non-refundable processing fee? Please elaborate with justification.

- The process should be made completely online with no increase in processing fee. The present amounts are fine.

Grant of license/ permission for Satellite TV Channels

4.5 Whether auction of satellite TV channels as a complete package similar to FM Radio channels is feasible? If yes, then kindly suggest the approach.

- There should not be any auction process. The granting of license need to be a quick and easy process to discourage reselling of licenses.

4.6 Is it technically feasible to auction individual legs of satellite TV broadcasting i.e. uplinking space spectrum, satellite transponder capacity, and downlinking space spectrum? Kindly explain in detail.

- It is not possible to auction uplink spectrum like in the case of FM where it is reusable as per the number of satellites available.
- b) A fixed spectrum fee is recommended which is already being paid to WPC.

4.7 Is it feasible to auction satellite TV channels without restricting the use of foreign satellites, and uplinking of signals of TV channels from foreign soil? Kindly suggest detailed methodology.

- Foreign Satellites should be allowed, auction not suggested.

4.8 Is it advisable to restrict use of foreign satellites for satellite TV broadcasting or uplinking of satellite TV channels, to be downlinked in India, from foreign soil?

- The first preference of usage should be given to Indian satellites and should not be auction based. Additionally we would recommend that private Indian companies should also be encouraged to venture into satellite ownership.
- All channels that are allowed for viewing in India should also be uplinked from Teleports in India including DR sites. This will protect and encourage growth of Indian teleport operators.



- It is advisable for foreign satellites usage to be regulated depending on the India's diplomatic relations with the said country. We also recommend that foreign satellite companies must assure that all grievances should be addressable in an Indian court of law.
- It is not only advisable but may not presently be technically feasible to restrict use of foreign satellites for satellite TV broadcasting or uplinking of satellite TV channels. There are several parameters to be considered including governmental control management over such satellites, availability of transponder space, responsiveness, footprint etc. While preference may be given to a company using an Indian Satellite it is not advisable for it to be mandated by law.
- Another factor would be that in the absence of any private sector in the satellite business, the body in charge govt could not only indulge in inter-alia, cartelisation and discrimination etc.
- The present system being followed seems to be both feasible and non-intrusive.

4.9 Can there be a better way to grant license for TV satellite channel than what is presently followed? Give your comments with justification?

- Present method is fine. The time frame for accepting or rejecting should be defined.

Entry Fee and License fee

4.10 If it is decided to continue granting of licenses for satellite TV channels on administrative basis, as is the case presently, what should be the entry fee for grant of license for uplinking of TV channels from India, downlinking of TV channels uplinked from India, and downlinking of foreign TV channels? Please suggest the fee amount for each case separately with appropriate justification.

- To encourage "make in India" the license fee for channels up-linking from India should be reduced or waived. A higher entry and license fee for channels up-linking from outside India should be charged
- As regards revenue share with DTH as an example - The plight of the industry is such where already there have been 2 major DTH players who have been taken over due to financial problems with a 3rd possible takeover of a DTH player in progress. Most broadcasters are also struggling financially.
- As regards revenue share viz licensing fee, the government needs to devise sops that will increase revenues for the broadcasters instead of trying to figure out ways and means to increase the government's own annual license fee.

4.11 What should be the license fees structure, i.e. fixed, variable, or semi-variable, for uplinking and downlinking of satellite TV channels? Please elaborate if any other license fee structure is proposed, with appropriate justification.

- Not desirable

4.12 If the variable license fee structure is proposed, then what should be rate of license fee for TV channels uplinked from India and TV channels uplinked from abroad, and what should be the definition of AGR?

- Not desirable

4.13 If the semi-variable license fee structure is proposed, then what should be the minimum amount of license fee per annum for domestic channels (uplinked and downlinked in India), uplink only channels, and downlinking of foreign channels (uplinked from abroad)?

- Not desirable

4.14 If the fixed license fee structure is proposed, then what should be the license fee per annum for domestic channels, uplink only channels, and downlinking of foreign channels?

- As per present is ok.

4.15 What should be the periodicity for payment of the license fee to the Government? Please support your answer with justification.

- The periodicity for license fee should be annual.

4.16 What should be the periodicity for review of the entry fee and license fee rates?

- The next review is recommended on an annual basis and measures adopted depending on the financial health of the industry.

Encryption of TV channels

4.17 Should all TV channels, i.e. pay as well as FTA satellite TV channels, be broadcasted through satellite in encrypted mode? Please elaborate your responses with justification.

- We would not recommend FTA channels to be encrypted as this would unnecessarily increase the costs and logistics for broadcasters.
- The recommendations do not address platform services / VAS by way of local channels. Platforms like DTH, MSO's, HITS etc should not have to procure licensing in order to uplink channels/services as part of Platform Services / VAS offerings since the distribution is within the CUG (closed user group) of the platform.
- It should be left upto each broadcaster to encrypt / non encrypt its channels. There is a possibility that the costs to be incurred by the broadcaster would then be passed on to the consumer (through the DPO). In an era where bundling is still prevalent, it does not seem necessary. In any event, there is encryption at the local / STB level hence security issues if any can be taken care at that level.



Operationalisation of TV channel

4.18 Is there a need to define the term “operationalisation of TV channel” in the uplinking guidelines, and downlinking guidelines? If yes, please suggest a suitable definition of “operationalisation of TV channel” for the purpose of the uplinking guidelines, and the downlinking guidelines separately.

- There is a need to define the term "operationalisation" as some license holders are uplinking “junk” content via teleports to comply with regulatory without investing in programming.

4.19 Maximum how many days period may be permitted for interruption in transmission or distribution of a TV channel due to any reason, other than the force-majeure conditions, after which, such interruption may invite penal action? What could be suggested penal actions to ensure continuity of services after obtaining license for satellite TV channel?

- Maximum 3 months can be permitted and after that a penalty amount should be paid (as decided by MIB). The license may be fully cancelled after six months.

Transfer of License

4.20 Whether the existing provisions for transfer of license/ permission for a TV channel under uplinking guidelines, and downlinking guidelines are adequate? If no, please suggest additional terms and conditions under which transfer of license/permission for a TV channel under uplinking guidelines, and downlinking guidelines may also be permitted? Please elaborate your responses with justification.

4.21 Should there be a lock in period for transfer of license/ permission for uplinking, or downlinking of a TV channel? If yes, please suggest a suitable time period for lock in period. Please elaborate your responses with justification.

4.22 Should the lock in period be applicable for first transfer after the grant of license/ permission or should it be applicable for subsequent transfers of license/ permission also?

4.23 What additional checks should be introduced in the uplinking, and downlinking permission/ license conditions to ensure that licensees are not able to sub-lease or trade the license? Please suggest the list of activities which are required to be performed by Licensee Company of a satellite TV channel and can't be outsourced to any other entity to prevent hawking, trading or subleasing of licenses.

- we recommend easing of process in granting of license will discourage unwanted trading of license's as a lot of entities opt to purchase/hire license since it is difficult/time consuming to get a new license.



- This will then create a healthy “market place” where genuine investors/buyers will then want to invest/buy in “brands” for which the regulatory must provide an easy framework to facilitate the transaction process.
- There should be a similar procedure / process even for transfer of license in the case of a DPO such as a HITS platform.

Meaning of a teleport

4.24 Whether specific definition of a teleport is required to be incorporated in the policy guidelines? If yes, then what should be the appropriate definition? Please elaborate responses with justification.

- The current regulatory binds the antenna chain to a satellite and cannot be used for another satellite without permission. This approach is stifling and does not take into account when signals need to be shifted to another antenna in the event of failure. It also stifles the business opportunity where a commercial teleport may have to lose potential business where the requirement to uplink to a different satellite may be required to be done.
- The approach suggested in the document to define teleports by the number of satellites accessed is very restrictive and should be defined by the number of antennas/uplink chains used.
- Therefore, we recommend that there needs to be a definition of i) uplink chains as “teleports” (not attached to satellite) and ii) “Earthstation/ Hub” which could have more than one teleport chain.

Entry fee, Processing fee, and License fee for teleport license

4.25 Is there any need to increase the amount of non-refundable processing fee to be paid by the applicant company along with each application for teleport license? If yes, what should be the amount of non-refundable processing fee? Please elaborate with justification.

- The process should be made online and there should not be any increase in non-refundable processing fee for teleport.

4.26 Should entry fee be levied for grant of license to set up teleport? If yes, what should be the entry fee amount? Please give appropriate justification for your response.

- There should be no entry fee, the “make in India” initiative needs to be given more impetus where India should become a teleport destination.
- We also recommend that FDI norms for investment in commercial teleport sector needs to be made easier.



4.27 What should be the license fee structure for teleport licensees? Should it be fixed, variable or semi-variable? Please elaborate if any other license fee methodology is proposed, with appropriate justification.

- The annual licence fee should be reduced since the margins in the commercial teleport business are very thin and should be a fixed annual cost to create an ease of doing business.

4.28 What should be the rate of such license fee? Please give appropriate justification for your response.

4.29 What should be the periodicity for payment of the license fee to the Government? Please support your answer with justification.

4.30 What should be the periodicity for revision of the entry fee, and license fees rate for teleport licensees?

- The next review is recommended on an annual basis and measures adopted depending on the financial health of the industry.

Restriction on the number of teleports

4.31 Whether there is a need to restrict the number of teleports in India? If yes, then how the optimum number of teleports can be decided? Please elaborate your responses with justification.

- There should be no restriction on the number of teleports.

4.32 Whether any restriction on the number of teleports will adversely affect the availability or rates of uplinking facilities for TV channels in India?

- Efforts should be made to make India into a destination for Satellite uplink.

Location of teleport

4.33 What should be the criteria, if any, for selecting location of teleports? Should some specific areas be identified for Teleport Parks? Please elaborate your responses with justification.

- There should be designated areas pre-cleared for teleport operations. The “Teleport Parks” could be either private or government run premises/locations which could share infrastructure like power etc. To cut down cost of import of equipment, broadcast infrastructure sharing should be mandated.
- The location should be close to available talent pool and infrastructure like public transport, hospitals etc and should comply with SACFA requirements.

- A site is picked based on various factors including certain corporate policies. While an option and incentive may be provided to the company to consider such teleport parks in the form tax breaks etc., the right to choose the location for the teleport should be left up to individual stake holders

Optimum use of existing teleport infrastructure

4.34 Please suggest the ways for the optimal use of existing infrastructure relating to teleports.

- Technology refresh should be mandated from time to time to ensure that the best possible utilization of satellite space is done. A review for this should be held on a five-year basis. The regulator must insure that sops are in place to make technology transitions with least financial burden.
- Sharing of infrastructure between operators/broadcasters should be allowed and regulation made easier as this will enable bringing infrastructure and satellite usage costs down.
- The entire issue of optimising use of teleport through sharing of infrastructure not only has to be pushed but has to be pushed at all levels and the savings should be passed on to the customer. Piecemeal sharing does not help. The entire pass through systems have to be considered for the benefit of the consumer / customer.

Unauthorised Uplink by Teleport operator

4.35 What specific technological and regulatory measures should be adopted to detect, and stop uplink of signals of non-permitted TV responses with details of solution suggested?

Any other issue

4.36 Stakeholders may also provide their comments on any other issue relevant to the present consultation

- The Consultation Paper does not address the issue of ease in selecting/changing teleport and satellite.
- The Consultation Paper does not address the logic of having in place agreements with the teleport and satellite for the sake of filing of application for the license. The caveat should be that a) satellite should be ISRO approved b) teleport should have a valid license. These details can be submitted during the WPC approval stage so as to let the broadcaster make a better informed and more commercially viable decision during selection.



- The Consultation Paper does not take into account ease of change in satellite and ease of change in teleports.
- Why is WOL required in the case where broadcaster is using a 3rd party Teleport which is already licensed?
- Currently, the licensing process for transmission of “occasional” and “live” events (religious, others) for non-news channels is time-consuming and complex - can this be simplified?
- How can this process be applied for “live darshan feeds” or feeds from festivals on platforms like HITS and DTH?
- Require guidelines for uplinking of specific programme(s) that could be sent direct from the production facility (either “live” or “recorded”) to platforms (DPOs) and not to broadcaster for transmission as a “platform service” (that could be offered by DPOs to their customers as a PPV or VOD service on their own VAS channels).
- How can these be licensed and to whom and who should be responsible for this content?