

August 27, 2013

"Without Prejudice"

To:  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan,  
Jawaharlal Nehru Marg,  
New Delhi- 110002

Subject: Response to Telecom Regulatory Authority of India consultation paper on Distribution of TV channels from Broadcasters to Platform Operators.

Dear Sir,

We write with reference to the aforementioned Consultation Paper issued by TRAI on Distribution of TV channels from Broadcasters to Platform Operators.

*Before we proceed with our specific response on the draft regulations issued by the Authority in regulating the role of Aggregators, we also request authority be kindly looked into the below mentioned scenario and possibility of regulatory framework for the same.*

*We bring your kind attention that the entity of Aggregators has not been defined specifically either in the Cable Television Networks (Regulation) Act 1995 and Rules, as well as in any of the Regulations issued by the Telecom Regulatory Authority of India. However, Section 2(aii) of the Cable Television Networks (Regulation) Act 1995 (hereinafter referred as "Act") defines a Broadcaster as "Broadcaster means a person or a group of persons, or body corporate, or any organization or body providing programming services and includes his or its authorized distribution agencies". This definition envisages that a Broadcaster can distribute channel(s) either by himself or through its authorized distribution agencies. It is to be examined for reframing the said definition in the Act to concurrent the intention of Authority.*

*Even after implementation of DAS in notified cities, Broadcasters having different parameters for negotiation and entering into agreement with DTH and MSOs. The Authority is hereby requested to look into the same to pass necessary regulations in order to treat both the platform at equal parameters.*

*These Aggregators have emerged as very important entities in the entire broadcasting value chain often working as separate companies/Joint Venture partners and bundling and distributing signals of various broadcasters as packages/bouquets. It has also been noticed that the Aggregators sign agreements with MSOs in their own name rather than in the name of Broadcaster on whose behalf they are distributing signals. This appears to be a separate business enterprise not falling in the definition of a Broadcaster. Since Aggregators play a very important role in the entire broadcasters value chain and have a significant impact on the ongoing digitization initiative, the Authority may also look into the Definition, Role, and functioning of Aggregators / Distribution agencies and make recommendations on following:-*



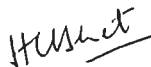
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- I) *The role of aggregators/distribution agencies including their definition, scope of work etc;*
- II) *Regulate the cross holding among the broadcasters and aggregators. The broadcaster should not have any interest in any distributor and vice versa;*
- III) *Restrict the broadcasters/ aggregators/ distribution agencies to involve in MSO business.*
- IV) *Limit the maximum number of channels to be carried by aggregators/ distribution agencies. The number of channels by each broadcaster/ aggregator should not exceed 20.*
- V) *BECIL audit be made compulsory. On BECIL certifications, the Broadcasters/aggregators should not insist on their own technical audit.*

Our Submissions pertaining to proposed amendments / regulations proposed by TRAI vide its subject mentioned consultation paper as follows:

- A. The proposed amendments/ regulations to be made through Telecommunication (Broadcasting and Cable) Services (Fourth) (Addressable Systems) Tariff (Third Amendment) Order, 2013 (--- of 2013) – we welcome the said amendments proposed by TRAI.
- B. The proposed amendments/ regulations to be made through Telecommunication (Broadcasting and Cable) Services (Second) Tariff (Tenth Amendment) Order, 2013 (\_\_\_\_ of 2013) – we welcome the said amendments proposed by TRAI.
- C. The proposed amendments/ regulations to be made through Telecommunication (Broadcasting and Cable Services) Interconnection (Seventh Amendment) Regulations, 2013 – We welcome the said amendments to be made by TRAI.
- D. The proposed amendments/ regulations to be made through Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) (Second Amendment) Regulations, 2013 – we welcome the said amendments proposed by TRAI.
- E. The proposed amendments/ regulations to be made through Register of Interconnect Agreements (Broadcasting and Cable Services) (Fifth Amendment) Regulations, 2013 – we welcome the said amendments proposed by TRAI.

Thanking you  
Yours Sincerely,  
For Kable First India Private Limited (An ACT Group Company).



Authorised Signatory