

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

Introduction

1. In the explanatory memorandum, reasons, as to why earlier QoS Regulations (TRAI Regulations No 12 and 13 of 2012) could not be implemented despite representation of TRAI on MIB task force, have not been stated. All customer service is a continuous process for research and reviews for ongoing improvements.

Observations on Consultation Paper

2. Part I

Para 2 (b)- Suggest revise to ‘ Active Subscriber’ means a subscriber who has applied for availing the service by submitting an application form, service provision approved, subscriber ID created and STB installed after pairing STB Ser No with Subscriber ID and has agreed to pay for the services on receiving an itemized bill.

Para 2 (c) -Suggest a simpler definition for addressable systems ‘A facility enabling or disabling viewing of digitally addressable content, by subscribers, remotely and selectively’

Para 2 (g)- Broadcasters do NOT provide any services. They only authorize, through an addressable IRD, reception of TV content and its re-transmission over Cable TV networks or satellite casting such as in DTH or HITS.

Para 2(h)- In line 2 , after transmission insert ‘on point to multi-point basis’.

Para 2 (k) – Line 2, after cables insert ‘including but NOT limited to optical fibre and coaxial cables’.

Para 2(l)- Suggest substitute in line 2, ‘generation’ with ‘aggregation’.

Para 2 (m)- A careful study of Cable TV Act and Rules and TRAI Regulations on DAS, reveal that distributor of TV content is the HSP (popularly connoted as MSO) who constructs rate cards for the subscriber to choose and pay for when billed in the SMS, located at the Headend. Cable Operator is an entity, registered with Dept of Posts, for transporting content transport stream received from the Headend to subscribers over network owned, erected and maintained by them. This entity is NOT supposed to determine charges payable by subscriber for service provided by HSP but connected by Cable Operator. Hence words Cable Operator need to be deleted. It is a different matter that DAS has not been implemented in the letter and spirit of the statute whereby subscriber does not understand DAS and is being charged, as before, without an itemized bill or issue of receipts for payments made.

Para 2(p) – Cable Operator cannot be deemed to be a consumer. They are facilitators and Business partners in the system. Hence word cable operator should be deleted.

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

Para 2(u) – In the last line insert ‘without an intermediary like a cable operator’ after services.

Para 2 (x) – Suggest delete ‘television channels’ in line 2 and after ‘programmes’ add ‘indicating ser number of the program to be punched through the remote control to watch the program’.

Para 2 (cc)- In line 2, delete ‘displaced’ to read ‘displayed’

Para 2 (ff) – add after 1994 ‘who does not perform any functions of an addressable TV Programs Headend requiring registration with the MIB’.

Para 2 (jj) – In the last line after transmission, add ‘and concluded through a formal Inter Connect Offer’.

Para 2 (tt) -Television Channel means a a set of well defined discrete carrier frequencies in Radio Frequency Spectrum carrying a television program, in analog or digital format, whether encrypted or not.*(For example CATV Networks operate in Radio Frequency band 5-862 MHz, with 7 or 8 MHz wide CHANNELS totalling 106. Further in analog networks each program occupied one channel space and hence got synonymized with channel. In digital transmission several programmes are packed in each such channel. Hence channel and program denote different things)* As far as Cable TV Networks Regulation Act, duly legislated by the Parliament of India, as an statute, is concerned there is no such term as CHANNEL in the glossary. What is being referred is Program. HITS, DTH and IPTV seemingly operate under policy letters by the MIB which has a different legal credibility as compared to an ACT.

3. Chapter II

Para 3(1) – Line 4 , suggest substitute ‘programs’ for ‘channels’.

Para 3 (2)- Customer Care comes into effect only after Subscriber ID has been generated and can be accessed by the desk executive when so called. Customer details page can be searched by ID, Surname, Telephone Numbers, Dwelling Complex details, House Numbers, STB Ser No and so on.

Para 3(3) – in the last line 2, after feasibility – suggest add ‘including but NOT limited to possibility of meeting the EoL specifications.

Para 3(7) - Distributor of services is required to prepare a rate card. Rates, T&C for provision of STB should be enshrined therein.

Para 4(2) -Local Cable Operator is NOT a distributor of Programs. Broadcasters sign ICOs and provide programs to Headend Service Provider, registered with MIB, for retransmission of programs provided by Broadcasters.

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

The ground reality is that in Cable TV services there are no virgin subscribers. Services are already connected on network and are to be provided with a set top box to be able to view digital transmission on their analog TV receivers. Hence in actual practice, to meet DAS implementation deadlines, Set Top Boxes, whether conforming to Indian Standards or NOT, have been installed without CAF, rate card, MoP or generation of Subscriber ID. Such installations are authorized to enable viewing of all content transmitted from the Headend. They are only acting as D2A converters. Further in absence of CAF details, Subscriber ID and its pairing with STB, itemized billing cannot be undertaken.

Para 4 (3) – This has NOT happened in Phases I, II and III. What is the suggested mechanism to ensure this.

Para 4(6)- What is the basis for this figure of Rs 350/- ?

Para 4(7) – There is no such provision in Cable Act or rules.

Para (6) -After logging in, requests for changes are endorsed in Subscriber History sheet in the SMS after verification through a call back to the subscriber.

Para 8(2)- Such changes need to be uploaded on the EPG.

Para 14(3a)- Add, after last word 'selection' -and identification of subscriber through Subscriber ID, STB Ser No, Surname/Name, Residential Community details or Registered Mobile or landline telephone numbers.

Para 14(3c)This is NOT practical in uni-directional networks where conversation is only vocal, generally thru a phone call, since no information is visible The attending customer care executive have to ask 'How can I help you?' or words to that effect, place the request under sub-menu in customer care, allocate a docket No and inform the subscriber. If the customer care executive cannot tabulate the request under sub-heads he/she may escalate the conversation to customer care supervisor/agent.

Para 21 – Insert 'itemized' before bills in line 2.

Para 21 (3b) Rentals -There is no provision in Cable Act or Rules to charge 'Rentals' for TV content services. Monthly rates for all PAY content have to be promulgated in the rate card, on Home Page of EPG, on Service Providers web sites. Subscription would perhaps be a better word.

Para 24(2)- Provisio 2 , last line; interest on delayed payment - Such a clause needs to be incorporated on the rate card, re-produced on the bill and repeated on receipts to be issued.

Para 24(5) -What will be the mechanism for imposing such levies in absence of an enforcement mechanism on ground with TRAI. Expecting such enforcement by State Govts would be a very tall and unrealizable thought.

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

Para 25(1)- Term usage is peculiar to TELCO services where billing is usage based. In case of Television Content delivery services the charges are on per program, per month, per subscriber basis. Hence word subscription would be appropriate. Needs correction for right connotation.

Para 26(1) -What is enforcement mechanism? This cannot be vouched for STBs seeded in Phases I,II and III of DAS implementation driven by the task force where TRAI too is represented.

Para 26(2) – Why is hire purchase mode omitted ?

Para 26(3) -The term guarantee is NOT practiced in India. Restoration of warranty, subject to manufacturing defects, to be adjudged by the manufacturer, only is warranted. Provision needs to be made for restoration of serviceability if due to manufacturing defect or otherwise on payment.

Para 26(7)- Repair and maintenance of what ? LNB cannot be repaired at subscriber location, mini dish can only be re-aligned, coaxial cable if damaged has to be replaced, set top box and remote handset too cannot be repaired at Customer Premises. Subject to terms of warranty, visiting service engineer can provide a service substitute and take away the defective component for repair for which charges if any are to be determined at the service centre. Return of serviceability restored equipment/component, if chargeable, shall have to be agreed for payment by the subscriber. TRAI should specify if the visit for re- installation of component too would attract charges.

Para 26(8)- This is NOT practical. Provision can be made for providing a temporary service substitute. Cable Operators have no facility for repair of STBs. The unserviceable component has to traverse through LCOs technician, LCO to the HSPs warehouse or beyond to Manufacturer's service centre (despatches subject to an economic size for saving costs). In the Indian environment where predictive maintenance is seldom practiced, the turnaround time can be four to ten weeks.*(In properly installed and effectively functioning CAS and SMS systems this is pretty complicated. FIRST the STB in SMS records has to be disabled, SECOND the service STB has to be paired with the same viewing card and subscribers's choice of programs transferred to service STB for viewing. On return of serviceability restored box the same steps have to be undertaken for replacing service box with the original)*

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

Para 29(1) -TRAI should get a mini-video shot and issued to Cable Operators to be played before them to know how to appraise the subscriber. SCTE installer's training programs cover these.

Para 30 (1) - Impractical. Broadcaster has no access to subscriber. In any case retail rates, involving add-ons by HSPs are what is payable by subscriber. These need to be posted on HSPs web site.

Para 30(5) -The agency so appointed needs to be experienced in this. Appointing Govt Deptt Engineers cannot suffice unless credibly trained by agencies such as SCTE/Cable Labs or their authorized chapters in India.

Para 35(1) – Regarding the figure of 250000 ; how will this boundary be identified. No single Headend in the country, with recorded subscriber base is likely to meet this requirement at present . Further, there is very little possibility of meeting this criterion in Phases II, III and IV

4. Customer Application Form- The FPC(Flow Process Chart) for completing this form(being a B2C agreement between HSP and Subscriber) needs to be appreciated. The following may be incorporated :-

- (a) Form must have a machine No because its progress/status till allocation of ID for the customer can be referred with that.
- (b) Needs to be in duplicate; one copy retained by subscriber and original sent to Headend for accord of service and authentication data punching.
- (c) Terms and conditions to be printed at reverse.
- (d) Details of STB to mention Make and Type, Manufacturer and Marketier in India.
- (e) VC No normally is incorporated after service is approved.
(However in skewed Indian practice, STBs were installed without completion of Application form hence these details could have been filled However even this did NOT happen because technicians were not trained in installation.)

Note for Consideration

- 5 The regulations, if drafted as proposed, would be food only for corporatized HSPs (MSO) with some National service providers such as Members of the MSO alliance.

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

6. Envisaged compliance would be difficult to expect from Phase II, III and IV (in declining order for expectancy). Flouting of Regulations so far issued by TRAI stands testimony to this fact.
7. A service facility is being targeted and appears that such regulations are being drafted in arm chair environment to remain monumental.
8. End of Line technical network signal specifications are conspicuously absent. It is beyond imagination that these are NOT complied for service feasibility and documented as installation report
9. Residential segment of Digital India envisages broadband proliferation over wired homes with upgrade to bi-directionality. That would require official RoWs, strand bonding and reliability of network integrity. These aspect do not appear to have been addressed.
10. DTH has a better QoS, and corresponding QoE(Quality of Experience), implementation because (a) Headends were installed in one go rather than layered changes like CATV (b) Installers were trained on 'train the trainer philosophy' to crate a better impact on the Subscriber (c) intermediary is NOT applicable there to represent HSP to the subscriber without training/development in customer service.
11. Last but NOT the least. Subscribers have neither perceived impact of DAS nor do they know about it. They are receiving service as before on a monthly subscription based delivery of more programs with improved picture quality. The flavour of choice envisaged in the statute as legislated and proclaimed has not been felt by any subscriber of CATV.
12. Neither MIB nor the Regulator have stipulated any qualifications for employment in the Television Delivery Service in Residential

COMMENTS ON DRAFT QoS AND CONSUMER PROTECTION ORDER 2016

Lt Col VC Khare(Retd), Cable TV Industry Observer

segment. Cable operator segment of the service is not interested in training his interface with the subscriber i.e. technician.

- 13 A holistic view needs to be taken before venturing into regulating the un-organised service providers for television content.

Conclusion

14. Such regulations need a severe field test before promulgation and deterring implementation so that they do NOT remain a lip service..