

21st May, 2019

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Dear Sir/ Madam,

REGISTER OF INTERCONNECTION AGREEMENTS REGULATIONS, APRIL 2019

Comments submitted by M/s Mathrubhumi Printing & Publishing Company Ltd,
Mathrubhumi Building, K.P. Kesava Menon Road, Kozhikode- 673 001, Kerala

Reporting of information relating to interconnection agreements- Chapter II, Clause No-3, Page No.8

Only 15 MSOs (less than 1.5% of total 1100 MSOs) control close to 78% market share among Cable TV homes across the country. 1082 small MSOs control the balance 22% market share and in all probabilities, only a very few MSOs among this group of 1082 numbers may command a active subscriber base of equal to or more than 2 lakhs numbers of cable households in its entire distribution network (including joint venture(s), if any). If a slab of 2 Lakhs+ is fixed, then most of the small MSOs prefer not to sign an interconnection Agreement with the Broadcasters.

Hence, reporting of information should be made compulsory for all MSOs in the country, irrespective of their active subscriber base, in the manner and in the format as specified in regulation 4, within 30 days from the end of every 'Calendar Quarter'.

Inspection of the register- Chapter III, Clause 7, Page No.13

In the Interconnection Regulations 2017, the Authority has clearly mandated that no incentive, in whatsoever name, can be given by the broadcaster to the DPO for inclusion of its channel in the DPOs bouquet because it results in pushing of channels to the subscribers, Also, TRAI has reiterated this on many contexts that the new regulatory framework prescribes non-discrimination and transparent interconnection

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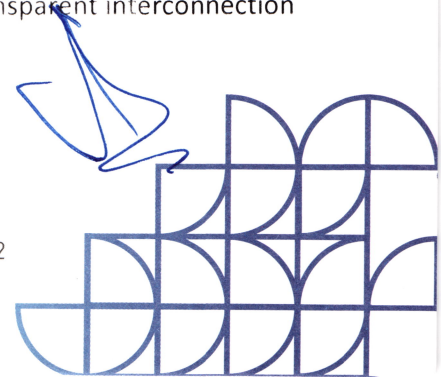
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CIN No. U22110KL1922PLC001522

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based on published Reference Interconnection Offer (RIO) and warns that any negotiations dehors the RIO is forbidden.

Under the earlier regime, MSOs were demanding extortionary and unconscionable Placement and Marketing Fees and Broadcasters were forced to agree to their unlawful demands. It was the MSO's 'either take it or leave it' attitude, which forced the Broadcasters to agree to such unlawful demands. Broadcasters were made to sign the Placement and Marketing Agreements out of fear of not carrying the channels by the MSOs. MSOs are still insisting on such unlawful demands for continuing to be placed in the present LCN and refusing to offer any other options. This militates against the bedrock of the new regime of creating a level playing field, fair play and non-discriminatory approach.

TRAI, in its Draft on Register of Interconnection Agreements Regulations 2019, give the freedom to Broadcasters and Distributor of Television Channels to enter into any agreement, including any incentive (monetary or otherwise) for marketing or support or visibility or placement. (Page 10 & 11 of the draft).

MSOs are relying on paragraph 99 of the explanatory statement for demanding huge placement fee for including in the Basic Service Tier. This is *per se*, against the laudable objectives of the new regime. Under paragraph 99, in case, a broadcaster still wishes to place its channel at a particular position or a specific number assigned to its channel, subject to the provisions of the regulations, pay the mutually agreed fee, after signing the Interconnection Agreement, to a distributor for placing the channel.

We have very strong apprehensions about this and we fear that a level playing field may not be ensured for a Broadcaster, since the Distributor is at liberty to fix varied Marketing Fees from different Broadcasters or he may even exempt it from a few Broadcasters. This is blatant violation of the new regime which aims at creating a level playing, fair play and non-discriminatory approach. Also, since the Authority keep the whole or any part of the Agreement reported in Part B or Part C as confidential and the Authority shall take a decision thereon in accordance with the relevant provisions of TRAI (Access to information), it is certain that discrimination will definitely exist and continue. Accordingly, it is submitted that Part B & Part C of the register should not be kept as confidential but be kept open for inspection to any member of public.



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