



STAR India's Response
to TRAI's Draft
Telecommunication
(Broadcasting and
Cable)
Services
Register of
Interconnection
Agreements
Regulations, 2019

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**STAR INDIA PVT. LTD. RESPONSE TO DRAFT TELECOMMUNICATION
(BROADCASTING AND CABLE) SERVICES
REGISTER OF INTERCONNECTION AGREEMENTS REGULATIONS, 2019
(Dated 22nd April 2019)**

We thank the Authority for the opportunity to participate on this consultation process on draft regulations for register of interconnect agreements. We hope that the inputs given by us shall be of help and assistance to the Authority to create an enabling regulatory framework with respect to register of interconnect agreements entered into between various service providers in the broadcast sector.

Below are our responses to certain provisions of the Draft Telecommunication (Broadcasting and Cable) Services Register of Interconnection Agreements Regulations, 2019 (Draft Regulations):

- **Regulation 3(1) of the Draft Regulations:** This regulation requires the broadcasters to report the information to the authority *‘within thirty days from the end of every ‘calendar quarter’*. The periodicity of reporting within 30 days from the end of every Calendar Quarter is an administrative and reporting challenge for the stakeholders. This periodicity of reporting should be kept for a longer period preferably at the end of each annual year.

- **Regulation 3(2) of the Draft Regulations:** This regulation requires every distributor with two lakhs or more average active subscriber base to report to the authority. However, we are of the opinion that the reporting criteria should be applicable to all distributor of pay television channels or all distributor of television channels whose annual turnover exceeds INR 40 lakhs value in line with exemption limit for GST registration, given that the criteria of 2 lakhs and more average active subscriber base itself is subject to many challenges like under – reporting, un encryption etc. The frequency of reporting should be once a year. Such reporting is in line with transparency and non-discrimination as envisaged by digitization and this will help in streamlining of the eco-system which today sees “un-official” movement of LCOs from one DPO to another. Many DPOs would typically acquire customers through connecting LCOs as opposed to acquiring the other DPO entity. This creates instability in market and leaves the outstandings and other liabilities to broadcasters and other vendors exposed.

- **Regulation 4 (1) (c) and 4(2) (c) of the Draft Regulations:** Regulations 4(1)(c) and 4(2)(c) of the draft regulations require the broadcasters and distributors to report the copies of each interconnection agreement /modification/amendment/addendum to TRAI. Given that RIO and amended RIO are standardized, the TRAI regulations mandates that all RIO and amendment are filed in advance with TRAI and these are the only documents governing the relationship and, hence the reporting requirement to submit copies of each interconnection agreement, may be redundant.

Part B: Infact, TRAI should standardize the reporting format to be submitted in tabular Microsoft excel format, which captures all the relevant commercial details in an exhaustive manner. The details sought of all individual agreements appears vague and overbroad. Given the issues that the regulations can address, we assume that any details to be provided, under clause 4(1)(b)(i) and 4(1)(b)(ii), refers only to interconnect agreements and/or agreements relating to distribution of television channel signals.

Part C: If completes details are provided in Part B, RIOs, amended RIO are the only document governing the terms and conditions between the broadcaster and the DPOs and between DPOs and LCOs, then TRAI, at best, can call for copies of interconnection agreement or modification/amendment/addendum if required.

- **Regulation 5 of the Draft Regulations:** The frequency of proposed reporting being so high would require additional manpower to comply with the requirements. For businesses that operate largely on yearly contracts as per the regulatory requirements, this proposed frequency of reporting creates undue hardship and bureaucratic burden on the business operations. It is proposed that the financial disincentive, if imposed, should be for not reporting in a timely manner for one-a-year reporting requirement.
- **Regulation 7 (2) of the Draft Regulations:** No purpose will be served by making available the Register maintained by TRAI to the general public. Register maintained should be made available only to interested service providers (DPO/LCO/Broadcaster), after TRAI finds the reasons justifiable for providing such information and subject to written consent by the service provider whose information is sought.