

By Email

03 June, 2020

Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi - 110002

Kind Attn: Shri Anil Kumar Bhardwaj, Advisor (B&CS)

Subject: TRAI's Consultation Paper dated 22nd April, 2020 on Framework for Technical Compliance of Conditional Access System (CAS) and Subscriber Management Systems (SMS) for Broadcasting & Cable Services

Dear Sir,

We thank you for the opportunity to express our views on the above Consultation Paper. Tata Sky's response to the same is enclosed for your ready reference.

Thanking you.

Yours sincerely,



Himavat Chaudhuri
Chief Legal and Regulatory Affairs Officer

Enclosed: As above

TATA SKY's RESPONSE DATED 03 JUNE, 2020 TO CONSULTATION PAPER ON FRAMEWORK FOR TECHNICAL COMPLIANCE OF CONDITIONAL ACCESS SYSTEM (CAS) AND SUBSCRIBER MANAGEMENT SYSTEMS (SMS) FOR BROADCASTING & CABLE SERVICES ISSUED ON 22 APRIL, 2020

Preliminary Comments:

We believe that the consultation paper is a bit pre-mature since the first round of DPO self-audits (Technical and Subscriber Audit) are still under-way and it is estimated that less than 100 DPO audits may have been concluded. There may not be sufficient data/ evidence to establish yet that the existing Regulations are not comprehensive enough and that there exist gaps in the audit process which require further fine-tuning.

This subscription audit is a manifestation of the New Regulatory Framework which requires all agreements to be entered on the basis of subscriber numbers. With mutually negotiated agreements, subscription audits were redundant and the need for creating an auditing eco-system (which is still work in progress), for the audit of 1000+ DPOs, was non-existent. This fundamental change in the regulations has given rise to distrust between stake-holders. And this distrust is driving the demand for more scrutiny and intrusive regulations.

The broadcasters have sufficient legal and regulatory provisions, even today, which empower them to disconnect the signals of a DPO in case it is suspected that the SMS and CAS systems are not of the desired quality or in case piracy/ subscriber number inconsistency are suspected. Further regulations will not add any value and instead could end up being counter-productive to the interest of all DPOs.

- 1. List all the important features of CAS & SMS to adequately cover all the requirements for Digital Addressable Systems with a focus on the content protection and the factual reporting of subscriptions. Please provide exhaustive list, including the features specified in Schedule III of Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017?**
- 2. As per audit procedure (in compliance with Schedule III), a certificate from CAS / SMS vendor suffices to confirm the compliance. Do you think that all the CAS & SMS comply with the requisite features as enumerated in question 1 above? If not, what additional checks or compliance measures are required to improve the compliance of CAS/SMS?**

TS Comments:

We believe that the existing Regulations already have a comprehensive macro level framework for the audit of the CAS & SMS.

If the regulations need to be made more comprehensive and exhaustive (than they are currently), a multi-stake-holder working-groups need to be created which would have representation from Silicon fabricators, STB manufacturers, CAS & Middle-ware partners, SMS-IT partners, Broadcasters and DPOs to arrive at a conclusion through consensus.

As mentioned in the Consultation paper, BIS has initiated a committee (LITD 7) for formulation the Indian standards for security and testing requirement of CAS. This initiative needs to be supported and we should wait for the conclusions reached by this committee.

- 3. Do you consider that there is a need to define a framework for CAS/ SMS systems to benchmark the minimum requirements of the system before these can be deployed by any DPO in India?**

TS Comments:

As mentioned before, right now it may be premature to assume that the CAS/ SMS systems require benchmarking. The existing audits could be successful in identifying the systemic gaps which would force those specific DPOs to upgrade their systems to continue to receive signals from the broadcasters.

We would need to be careful that a new and stringent regulation does not get misused to disenfranchise a large number of DPOs thus leading to another round of subscriber shock and dissatisfaction.

If it is still concluded that a framework for benchmarking of the minimum requirements of a CAS/SMS system needs to be created, then it should be arrived at by a multi-stake-holder consensus approach.

- 4. What safeguards are necessary so that consumers as well as other stakeholders do not suffer for want of regular upgrade/ configuration by CAS/ SMS vendors**

TS Comments:

All DPOs invest in the CAS/ SMS systems and STB technology with the aim to maximize their investment by having the maximum possible life-span and be served by the vendor for service upgrades for as long as possible. It is in the interest of the DPO that the service upgrades happen in a timely manner to maintain subscriber and broadcaster service levels. The market being competitive, if the DPO is unable to maintain service level and quality, the subscribers could easily opt for another service provider.

A regulatory intervention, to introduce safeguards for upgrades and configuration support by vendors, may not yield the desired results and could be counter-productive on account of micro-management.

- 5. a) Who should be entrusted with the task of defining the framework for CAS & SMS in India? Justify your choice with reasons thereof. Describe the structure and functioning procedure of such entrusted entity.**

b) What should be the mechanism/ structure, so as to ensure that stakeholders engage actively in the decision making process for making test specifications / procedures? Support your response with any existing model adapted in India or globally.

TS Comments:

As mentioned earlier, BIS's LITD-7 committee is working to formulate the Indian standards for security and testing requirement of CAS. This initiative needs to be supported and we should wait for the conclusions reached by this committee.

Apart from the above initiative, if any other agency is entrusted with the task, the process should be based on a multi-stakeholder consensus-based approach.

6. Once the technical framework for CAS & SMS is developed, please suggest a suitable model for compliance mechanism.

a) Should there be a designated agency to carry out the testing and certification to ensure compliance to such framework? Or alternatively should the work of testing and certification be entrusted with accredited testing labs empanelled by the standards making agency/ government? Please provide detailed suggestion including the benefits and limitations (if any) of the suggested model.

TS Comments:

BIS is a reputed agency with a proven track record and could be designated to carry out testing and certification of the CAS.

SMS, being a software, is a virtual product and therefore there is no requirement to have a testing lab to certify the product. Every organization has its own processes and set of applications to digitize business processes. Narrowing on one framework or tool will only increase the overall cost of the product.

(b) What precaution should be taken at the planning stage for smooth implementation of standardization and certification of CAS and SMS in Indian market? Do you foresee any challenges in implementation?

TS Comments:

Several months of field trials will need to be performed before a pilot launch is attempted. The new eco-system will require extensive trials for any final certification & implementation. Collaboration with global agencies could be a way forward. Certification will involve testing a large variety of possible configurations to ensure and minimize gaps.

(c) What should be the oversight mechanism to ensure continued compliance? Please provide your comments with reasoning sharing the national/ international best practices.

TS Comments:

The compliance or the lack of it, would be identified through the audit process which is mandated to be conducted on an annual basis. Thereafter, it would be in the interest of the DPO to work towards compliance to continue to receive signals from the broadcasters. The over-sight mechanism is in-built in the eco-system.

7. Once a new framework is established, what should be the mechanism to ensure that all CAS/ SMS comply with the specifications? Should existing and deployed CAS/ SMS systems be mandated to conform to the framework? If yes, please suggest the timelines. If no, how will the level playing field and assurance of common minimum framework be achieved?

TS Comments:

Scrapping the existing infrastructure (CAS, SMS, STBs, Head-end infrastructure) and replacing with new systems is not a viable option. Upgrading existing infrastructure (CAS, SMS, STBs, Head-end infrastructure) is also not viable option. Certain STB silicon may not comply, as proposed

benchmarks could have requirements which may not be retrofitted to legacy devices and Head End infrastructure. It is not viable to swap all such STBs or create additional Head End compliance. Hence only new projects should be subjected to new framework. Even this exercise will not completely be helpful as there will be millions legacy STBs still in field.

Before we can suggest any timelines, the industry stakeholder committee (that we have proposed) should carefully examine each proposal/ feature of the new framework. with the financial impact and then arrive at a consensus. Timeline cannot be correctly estimated at this moment but would expect around 3 years to create and establish framework for such tests.

8. Do you think standardization and certification of CAS and SMS will bring economic efficiency, improve quality of service and improve end- consumer experience? Kindly provide detailed comments.

TS Comments:

Standardization and certification of CAS/ SMS will give the broadcasters an assurance of their revenue and content protection. However, the investments by the DPO will be heavy and it is doubtful that it will bring economic efficiency. We do not fore-see any impact on the QoS and end-consumer experience. Instead the cost could be passed on the subscribers thus leading to a higher subscription pay-out.

9. Any other issue relevant to the present consultation.

TS Comments:

No further comments