

**Fwd: written comment on the consultation paper**

**SS**

Sapna Sharma <jtadv-bcs@traf.gov.in>

Sun, 08 Sep 2024 11:14:22 AM +0530

To "Bhupendra Singh" <bhupendra.singh78@traf.gov.in>, "Arvind Kumar" <interconnect-bcs@traf.gov.in>, "Amrapali saket" <amrapali.105@traf.gov.in>

---

==== Forwarded message =====

From: <n\_shiyal@rediffmail.com>

To: "Deepak Sharma" <advbcs-2@traf.gov.in>, "Sapna Sharma" <jtadv-bcs@traf.gov.in>, <traijaipur@gmail.com>

Date: Fri, 06 Sep 2024 17:10:19 +0530

Subject: written comment on the consultation paper

==== Forwarded message =====

Respected Sir,

Sub :- As per you mail we are submit our written comment on the *consultation paper as below kindly consideration our comment and represent the same.*

**\*Mandatory audit of DAS by DPOs**

2.1 The provision of regulation 15 of the Interconnection Regulation 2017 is, inter-alia, reproduced as under: "15. Audit.— (1) Every distributor of television channels shall, once in a calendar year, cause audit of its subscriber management system, conditional access system and other related systems by an auditor to verify that the monthly subscription reports made available by the distributor to the broadcasters are complete, true and correct, and issue an audit report to this effect to each broadcaster with whom it has entered into an interconnection agreement:

**Issues for consultation**

Q1. Should provision of Regulation 15(1) be retained or should it be removed in the Interconnection Regulation 2017?

**Comment (opinion) :- Yes its must removed.**

i) In case you are of the opinion that provisions of Regulation 15(1) should be retained then

a. Should it continue in its present form or do they need any modifications?

**Comment (opinion):- Its need to modification.**

b. In case you are of the opinion that modifications are required in Regulation 15(1) of the Interconnection Regulation 2017, then please suggest amended regulations along with detailed justification for the same.

**Comment (opinion) :- Small MSO is not reach the complained the present rule due to many expenses for compliance like Auditor FEES , SMS Amc, CAS Amc and other Annual Fix Expencies etc.**

ii) In case it is decided that provisions of Regulation 15(1) should be removed then what mechanism should be adopted to ensure that the monthly

subscription reports made available by the distributors to the broadcasters are complete, true and correct?

**Comment (opinion) :- Suggestion is TRAI make a simple Annexure Format for for providing monthly subscription data, DPO Provide same on trimonthly to TRAI if any discrepancy TRAI check online or off line data any time DPO's headend also already in writing with interconnect agreement on stamp affidavit for provide correct and true data.**

Q2. Should small DPOs be exempted from causing audit of their systems every calendar year, under Regulation 15(1) of Interconnection Regulation? A. If yes, then, 1. Should 'subscriber base' of DPO be adopted as a criterion for defining small DPOs for this purpose? i. If yes, >> **YES**

a. what limit of the subscriber base should be adopted to define small DPOs for the purpose of exempting them from causing audit of their systems under Regulation 15(1)?

**Comment (opinion) :- Below 30000 subscriber .**

b. on which date of the year should the DPOs' subscriber base be taken into consideration for categorising whether or not the DPO falls in exempted category?

**Comment (opinion) :- For all Broad caster same its Every year ending or Decided by TRAI .**

c) In case any distributor is offering services through more than one distribution platforms e.g. distribution network of MSO, IPTV, etc. then should the combined subscriber base of such distributor be taken into consideration for categorizing whether or not the distributor falls in exempted category?

**Comment (opinion) :- Yes its combine subscription base consideration.**

ii. If 'subscriber base' criterion is not to be adopted, then what criteria should be selected for defining small DPOs?

**Comment (opinion) :- All the Broadcaster system consideration on subscriber base so its must consideration "subscriber base".**

2. In case it is decided that small DPOs may be exempted from causing audit of their systems under Regulation 15(1), then should broadcasters be explicitly permitted to cause subscription audit and/or compliance audit of systems of such DPOs, to verify that the monthly subscription reports made available by the distributor to them are complete, true and correct?

i. If yes, what should be the mechanism to reduce burden on small DPOs that may result due to multiple audits by various broadcasters?

**Comment (opinion) :- ITS Ones in License Period Audit from TRAI empanelled Auditor Or Becil.**

ii. If no, what should be the mechanism to verify that the monthly subscription reports made available by the small DPOs to the broadcasters are complete, true and correct?

**Comment (opinion) TRAI make a simple Annexure Format for for providing monthly subscription data, DPO Provide same on**

**trimonthly to TRAI if any discrepancy TRAI check online or off line data any time DPO's headend.**

B. If you are of the view that the small DPOs should not be exempted from the mandatory audit, then

**Comment (opinion) :- Our view Is very Clear that the small DPOs is MUST exempted from mandatory Audit**

i. how should the compliance burden of small DPOs be reduced? >>

**Comment (opinion) :- ITS RECOMMED ones in License Period Audit from TRAI empanelled Auditor Or Becil**

ii. should the frequency of causing mandatory audit by such small DPOs be decreased from once in every calendar year to say once in every three calendar years?

**Comment (opinion) :- ITS RECOMMED ones in License Period Audit OR in twice (five calendar yers) in License Period Audit**

iii. alternatively, should small DPOs be permitted to do self-audit under Regulation 15(1), instead of audit by BECIL or any TRAI empaneled auditor? >>

**Comment (opinion) :- YES ITS SELF AUDITED by DPO and Submitted it on TRAI by Simple Exel Data Annexure format.**

**Thanking you**

Narendra Shiyal  
Vishwam Cable Network  
5- Kuber Plus, Beside Hotel Kuber,  
PORBANDAR-360575  
MO-09898018088  
E mail :- [n\\_shiyal@rediffmail.com](mailto:n_shiyal@rediffmail.com)

---