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TRAI/FY24-25/059
Dated: 27.11.2024

To,

Shri Deepak Sharma,
Advisor (B&CS) - II
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
New Delhi-110002

Subject: Submission of Comments to TRAI CP on 'Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023'

Dear Sir,

This is with reference to TRAI's Consultation on **'Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023'**.

In this regard, please find enclosed our comments to the consultation paper for your kind consideration.

Thanking You,

Yours Sincerely,
For Bharti Airtel Limited

Rahul Vatts
Chief Regulatory Officer

Encl: a.a

Copy to:
1. Chairman, TRAI
2. Secretary, TRAI
3. Principal Advisor (B&CS), TRAI

TRAI's Consultation Paper on Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023

Preamble

1. Airtel thanks the Telecom Regulatory Authority of India (TRAI) for providing it with the opportunity to submit comments on TRAI's Consultation Paper, '***Framework for Service Authorisations for provision of Broadcasting Services under the Telecommunications Act, 2023***', released on 30 October 2024. We laud TRAI's initiative and effort towards compilation of a comprehensive set of Rules that will be applicable across the board in the broadcasting sector. The present consultation paper is also critical to holistically address the financial health of the broadcasting sector and review of the current bottlenecks.

2. Particularly, we welcome TRAI's endeavor to provide a common approach for licenses, oversight and compliances in the broadcasting sector for reaping the benefits of convergence indicating a more uniform approach to traditional and digital mediums.

3. Given that such papers have the power to alter the course of broadcasting governance and in turn determine the competitive dynamics for all participants, it is vital that the following guiding principles should be considered before the Authority frames its recommendations.

   (i) The pillars of **regulatory certainty, consistency** as well as **investment protection** are foundational elements of any licensing and authorisation framework. They should be used as touchstones when any new policy is introduced or existing ones are amended.
   (ii) The framework should be **futureproof**, in so far as it should be able to address emerging challenges that arise as technology continues to evolve. Doing so will ensure that the broadcasting sector remains resilient, dynamic, and sustainable in the face of ongoing technological advancements.
   (iii) **Ease of doing business (EoDB)** should be encouraged by way of **reducing administrative burdens** and **enhancing operational efficiency.**
   (iv) The Authority must undertake a **rigorous Regulatory Impact Assessment (RIA)** before finalizing its recommendations on the subject.

In addition to the above, the following section briefly delves into certain aspects that the Authority and the Licensor should necessarily consider while forming their views on the issues raised in the present Consultation Paper, particularly in the context of Direct to Home (DTH), IPTV and Teleports.

A. Digital Platforms (OTT) delivering broadcast content through broadband / mobile should be brought within the authorisation / licensing framework

Digital Platform (OTT) delivering broadcast content through broadband / mobile provide the same content as provided by DTH operators to subscribers with no commensurate obligations of any kind. This results in the same content being made available on the same screen through a broadband pipe at unregulated prices and differential regulatory treatment. This approach against the basic premise of TRAI's endeavor to have a balanced regulatory framework.

These anomalies lead to risks such as exclusionary and discriminatory impact for subscribers who may not be able to access the same broadcast content on their choice of delivery medium. Therefore, to cope with the competitive constraint from unregulated platforms, there is a pressing need to bring about 'Regulatory parity' among all delivery platform operators. The Authority has recognized this issue, but no concrete steps have been taken till date. It is thus high time that these services were brought within the legal and regulatory framework.

As the digital landscape continues to evolve, a well-structured regulatory framework that includes Digital Platform (OTT) delivering broadcast content through broadband / mobile could help address future challenges more effectively. By proactively incorporating Digital Platform (OTT) delivering broadcast content through broadband / mobile provide into the authorisation regime, the government can ensure that the law remains adaptable and responsive to technological advancements as well as address the non-level playing field that has emerged between them and traditional distribution platform operators.

Therefore, Airtel recommends the following:

(i) Digital Platform (OTT) delivering broadcast content through broadband / mobile should be brought under the authorisation/licensing framework.

(ii) Any platform which offers similar content as offered by the regulated distribution platform, should equally be brought under a similar regulatory regime – irrespective of technology – as per the principle of 'Same Service – Same Rules'

B. Prasar Bharti's Traditional broadcasting and its OTT platform services – WAVES should be brought within the purview of the authorisation / licensing framework

Today, DD Free Dish offers traditional linear broadcasting services similar to other DTH operators and also directly competes with them through its newly launched OTT platform, WAVES. Registered DPOs have consistently raised concerns about the anomalies in the licensing and

regulatory treatment, which has created an anti-competitive environment and a non-level playing field for DTH operators.

The Authority should seize the present opportunity to address these regulatory gaps by bringing Prasar Bharti within the ambit of the Authorisation / licensing framework in so far as the Broadcasting (Television Programming, Television Distribution and Radio) Service Rules should apply to them. This approach will promote a vibrant and inclusive broadcasting sector and ensure that the industry evolves in harmony with technological advancements and changing consumer preferences.

C. The authorisation / licensing framework must ensure the sanctity of the contractual nature of the license to retain and boost regulatory certainty while ushering in ease of doing business and other simplified processes.

The license is sacrosanct. It instills regulatory certainty and predictability. It also upholds the Constitutional mandates of transparency and fair play. The contractual right under the existing licenses creates legitimate expectations and assurances that the terms and conditions will not be unilaterally amended. Such stability is a necessity, especially in a capital-intensive industry like broadcasting.
It is particularly important, therefore, that the extant practice of the Central Government of entering into a license agreement with the applicant entity is continued with for the purposes of granting authorisations under Section 3(1) of the Telecommunications Act, 2023.

Airtel sincerely hopes that the reformist zeal shown by the Authority will not take away the contractual nature of certain T&Cs and mutual powers in the hands of service provides within the broadcasting sector as such measure will result in the curtailment of their rights under the Contract Act.

Further, with respect to the Authority's questions regarding how the authorisation framework should work, we submit that any new proposed framework must ease compliance burdens on the sector, lower financial levies/fees/charges and simplify processes.

D. Ensure voluntary migration to new licensing/ authorisation regime and no worse-off situation for existing players.

In the interests of effective and fair competition and in order to ensure that all investments made by the existing service providers remain sustainable, the new rules and regime should allow the following:

- Existing licensees should be allowed to migrate to the new regime **voluntarily**.
- Existing licensees should **not be in a worse-off position** than before.

- Adjust and apply T&Cs (financial/technical/operational) in a non-discriminatory and uniform manner on existing licensees if the particular T&C has been dropped or reduced for any new authorisation holder.

E. The Financial levies / fees / charges should be eased

- **Entry Fee (and processing fee in case of Teleports) can be continued** since existing players have already paid substantial, non-refundable fees. However, if the fee is reduced or done away with, the same benefit should be extended to existing service providers to ensure that a level playing field remains between incumbents and new entrants.
- **Bank Guarantees should be done away with altogether** as they will free up the working capital flow for service providers.
- In case of Teleports, there should not be any need for payment of annual authorisation fees (annual permission fee) and it should be just charged one-time during the renewal of the permission
- **License Fee for DTH Operators should be done away with in its entirety**. However, in the interim, the following measures may be adopted:
    (i) In line with TRAI's recommendations, License Fee should be reduced to 3% and then to zero by FY 2026-27
    (ii) The definition of Gross Revenue (GR), Applicable Gross Revenue (ApGR) and Adjusted Gross Revenue (AGR) as prescribed by the Cabinet for the telecom sector should be applied to DTH licensees as well.
    (iii) License Fee levied on content revenue should be payable at the hands of the Broadcaster who is the ultimate beneficiary of such content revenue and not the DTH Operator that is merely a distributor of the content and does not pocket the content subscription cost.

F. DoT should be designated the Nodal Ministry for all licensing requirements across access cum carriage platforms

Today, access technologies are distributed under two ministries viz. MIB (DTH/Cable) and DoT (wireless and wireline broadband) This fragmented regulatory structure can lead to policy inconsistencies, increased compliance burdens for businesses, and ultimately, higher costs for consumers. A more unified approach would reduce duplication, streamline compliance, and ensure a more efficient regulatory environment for both operators and consumers.

Therefore, Airtel recommends that:

(i) The DoT should be assigned as the single department for all licensing requirements across access cum carriage platforms – Mobile, Broadband, Cable and DTH

(ii) The MIB should be retained as an umbrella body for all content regulation, management and appropriate censorship across all mediums with these platforms being covered under orderly rules to carry the same content.

G. Enabling Ease of Doing Business in case of Teleports

The current processes under various service License requires to obtain clearances separately from the appropriate authorities under Ministry of Information and Broadcasting (MIB), Ministry of Communication (MoC). The process needs to be streamlined in case of Teleports.

Operational efficiency should be enhanced to enable ease of doing business.

Therefore, Airtel recommends that:

(i) **Requirement of high net worth as a tighter financial norm should not be kept for service authorisations.**

(ii) **The commercials are dependent on multiple factors like term of contract, bandwidth, SLA etc., therefore, uniform commercial principle cannot be viable across 'Teleport' customers.**

(iii) **Commercials should be governed by the Teleport Service Provider only and not as per the Tariff orders/ regulations/ directions/ decisions issued by TRAI.**

(iv) **Processes related to Ministry of Information & Broadcasting (MIB) should be fully integrated, made online through a single window clearance system.**

(v) **There is a need to do away with the requirement for seeking prior approval for appointments to key positions or seeking prior approval from MIB for any proposed change in equity & shareholder agreement.**

(vi) **Infrastructure sharing between DTH/ Teleport/Telecom Operators should also be permitted in order to synergize the resources for effective utilization.**

(vii) **The terms and conditions that existed during the assignment of spectrum should remain unchanged for the period of MIB permission.**

In Summary

- **Digital Platform (OTT) delivering broadcast content through broadband / mobile should be brought under the authorisation/licensing framework**

- **Any platform which offers similar content as offered by the regulated distribution platform, should equally be brought under a similar regulatory regime – irrespective of technology – as per the principle of 'Same Service – Same Rules'**

- **Prasar Bharti should be brought within the authorisation / licensing framework and the Broadcasting (Television Programming, Television Distribution and Radio) Services Rules should extend to Prasar Bharti's DTH operations as well as their OTT Platform Service – WAVES.**

- **The new authorisation / licensing framework must preserve the contractual nature of the license to retain and boost regulatory certainty while ushering in ease of doing business and other simplified processes.**

- **Migration to the new licensing / authorisation regime should only be on a voluntary basis and existing players should not be placed in a worse-off situation if they choose not to migrate.**

- **Financial levies should be treated as under:**
    - **DTH License Fee should be done away with in its entirety. In the interim, DTH license fee should be reduced from 8% to 3% immediately and then to zero by FY 2026-27.**
    - **GR, ApGR and AGR for DTH licensees should be defined on the same lines as prescribed by Cabinet for telecom sector.**
    - **Reduce Bank Guarantee exposure for DTH Industry.**
    - **License Fee levied on content revenue and presently charged to DTH operators should be payable at the hands of the Broadcaster who is the ultimate beneficiary of such content revenue.**

- **The DoT should be assigned as the single department for all licensing requirements across access cum carriage platforms (Mobile, Broadband, Cable and DTH) while the MIB should be retained as an umbrella body for all content regulation, management and appropriate censorship across all mediums with these platforms being covered under orderly rules to carry the same content.**

- **The proposed changes to the authorisation framework should help reduce compliance burdens on the sector, lower financial obligations (such as LF and BGs), and streamline processes.**

- **The requirement for security clearance of company directors by the MHA (under the Grant of Authorisation Rules) should be reconsidered, as it is a time-consuming process. [Intimation to the Central Government to be completed within 15 days of the change taking effect].**

- **Ease of Doing Business should be enabled in case of Teleports by bringing operational efficiency. Requirement of uniform commercial principle cannot be viable across 'Teleport' customers. Similarly, commercials should be governed by the Teleport Service Provider only.**

- **The terms and conditions that existed during the assignment of spectrum should remain unchanged for the period of MIB permission.**

- **Infrastructure sharing between DTH/ Teleport/Telecom Operators should also be permitted in order to synergize the resources for effective utilization.**

- **Requirement of high net worth as a tighter financial norm should not be kept for service authorisations.**

In view of the above background, please find our specific responses to the questions raised in the Consultation Paper in the subsequent section.

General

Q1. Under Section 3(1) of the Telecommunications Act, 2023, the Applicant Entity may be granted an authorisation, in place of the extant practice of the grant of license/ permission from the Central Government. The terms and conditions governing the respective authorisation for broadcasting services may be notified by the Ministry of I&B as Rules to be made under the Telecommunications Act, 2023. In such a case, whether any safeguards are required to protect the reasonable interests of the Authorized Entities of the various broadcasting services? Kindly provide a detailed response with justifications.

Airtel's Response

Since their very initiation, broadcasting service providers have operated under licenses, permissions or registrations granted by the Ministry of Information and Broadcasting (MIB) under Section 4 of the Indian Telegraph Act, 1885.

With the enactment of the Telecommunications Act, 2023, the TRAI is seeking to align existing policy guidelines governing broadcasting services. However, it is crucial to preserve the fundamental contractual nature of the relationship between the broadcasting service providers and the MIB.

The license is sacrosanct. It instills regulatory certainty and predictability, ensuring transparency and fair play in line with constitutional mandates. The contractual rights under the existing licenses foster the legitimate expectation that terms and conditions will not be unilaterally amended.

Certain services within the broadcasting sector, such as Direct-to-Home (DTH) and Teleports are highly capital-intensive. Regulatory stability is, therefore, not only desirable but also essential to ensure continued investment in the sector.

In summary, the existing regime of granting of licenses has proven effective thus far and there is no pressing need to make major changes to it. However, if, for whatever reason, any changes have to be introduced, it is imperative that the rights of broadcasting service providers under the exiting licenses are safeguarded.

Airtel, therefore, recommends the following:

1. **The contractual nature of the authorisation / license must be preserved under the new regime.**
2. **The rights of broadcasting service providers under the existing license agreements must be protected at all costs whatever be the decided outcome with regard to broadcasting licenses.**

Q2. The definitions to be used in the Rules to be made under the Telecommunications Act, 2023, governing the Grant of Service Authorisations and provisioning of the Broadcasting (Television Programming, Television Distribution and Radio) Services are drafted for consultation and are annexed as Schedule-I. Stakeholders are requested to submit their comments in respect of suitability of these definitions including any additions/modifications/ deletions, if required. Kindly provide justifications for your response.

Airtel's Response

At the outset, Airtel supports the revised definition of Television Channels and commends the Authority for making it more flexible. By eliminating the previous requirement for downlinking permission from the Central Government, and instead defining a Television Channel as one authorised by the Central Government for broadcasting services, the Authority has established a dynamic definition that can adapt to evolving technologies.

However, Airtel believes that this flexibility should also reflect in other definitions as well, such as that of 'IPTV service'. Presently, under the TRAI regulations (NTO), IPTV service is defined as under:

> ""*internet protocol television service" or "IPTV service" means delivery of multi channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;"*

While we recognize that the proposed definition has been adopted from the ITU, we believe it lacks the flexibility provided by the existing IPTV Services definition. Moreover, the ITU definition incorporates terms such as "convergence service" and "Broadband Convergence IP Network" which have not been defined in any legislation.

Given the above, we recommend adopting the aforementioned existing IPTV service definition for the current Rules, as it provides the necessary flexibility and regulatory certainty that the proposed definition does not.

However, if the Authority is still of the view that the ITU definition is better suited, we propose the following modification to it, along with our rationale for the proposed changes.

TRAI CP Definition	Proposed definition / change	Reasoning
(23) "IPTV" (Internet Protocol Television) service (or	(23) "IPTV" (Internet Protocol Television) service (or technology) is a	The proposed definition of IPTV is overly broad and incorporates ambiguous terms, such as "convergence service" and "Broadband

technology) is a convergence service (or technology) of the telecommunications and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform to a user via Television, PDA, Cellular, and Mobile television terminal with STB module or similar device;	convergence service (or technology) of the telecommunications and broadcasting through ~~QoS~~ controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of multichannel television programmes in addressable mode ~~a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform~~ to a user ~~via Television, PDA, Cellular, and Mobile television terminal with STB module or similar device;~~	Convergence IP Network," which have not been clearly defined in any legislation. This lack of clarity not only broadens the scope unnecessarily but also leads to confusion. Additionally, the term "considerable number of multimedia contents" is vague and its meaning remains unclear.

Scope and Service Area

Q.3 A preliminary draft of Scope of Service for various Broadcasting services and the corresponding Service Area is provided in Table 2.1 for consultation. Whether the same appropriately covers the Scope of Service and Service Area? If not, stakeholders are requested to submit their comments, if any additions/ modifications/ deletions are required in the Scope of Service and Service Area, along with necessary justifications.

Airtel's Response

Airtel is in agreement with the current scope of service and the designated service area. There is no need for any additions or modifications to either the scope or the service area at this time.

However, with respect to Ground Based Broadcasters, Airtel is in alignment with TRAI's ***Recommendations on Regulatory Framework for Platform Services*** dated 19 November 2014 to the extent that ground-based broadcasters should be permitted to provide services in both categories, i.e., at the State Level as well as the National Level. Furthermore, where the coverage/ reach of a ground-based broadcaster extends beyond 15 states, it should be considered a pan-India presence. In such cases, these ground-based broadcasters should be subject to the same regulatory obligations as a traditional satellite-based broadcaster. This approach is also in line with TRAI's

Authorisation Document

Q.4 For the purpose of grant of authorisation under Section 3(1) of the Telecommunications Act, 2023, the Central Government may issue an authorisation document to the Applicant Entity containing the essential details viz. Name, Category and Address of entity, Scope of Service, Service Area, Validity etc. A draft format of authorisation document is given at Figure 2.2. Do you agree with the draft format or whether any changes are needed in the draft format of authorisation document? Please provide your response with necessary explanations.

Airtel's Response

Please refer to the response to Q1. It is imperative to preserve the contractual nature of the authorisation / license in the interests of regulatory certainty and investment stability.

The proposed authorization document omits the license terms and conditions that were previously integral to the license issued to the service provider. It is important to note that by removing these terms from the license and incorporating them instead under Rules, the service provider's ability to challenge the terms that are part of a statutory instrument would be significantly limited as opposed to a license / contract. This will leave the service providers with no option but to challenge the vires of the law thereby curtailing their rights under the Contract Act.

The draft format for grant of Service Authorization given in figure 2.2 seems to be relevant for uplinking & downlinking of TV channel under Television Programming Services, but not for the Teleport Service. The Service Authorization format **for Teleport** should **mention Satellite in place of Name of Channel**.

Given this context, it is crucial to ensure that the authorization format remains consistent with the current license terms and conditions. Specifically, the detailed terms and conditions that are proposed to be included under the ***Broadcasting (Grant of Service Authorisations) Rules*** such as **(i)** Eligibility conditions, **(ii)** Financial requirements like processing fee, entry fee, bank guarantee, security deposit, renewal fee, **(iii)** Process

of Application, **(iv)** Conditions for assignment and use of Spectrum, **(v)** Migration, **(vi)** Security Conditions, should continue to be a part of the contract between the government and the service provider, regardless of whether it is referred to as a license or an authorization.

Airtel therefore, recommends the following:

1. **The contractual nature of the authorisation / license must be preserved under the new regime.**
2. **In any case, the rights of broadcasting service providers under the existing license agreements must be protected.**

Terms and Conditions for Grant of Service Authorisations

Q5. A preliminary draft of terms and conditions to be included in the first set of Rules i.e., for Grant of Service Authorisations is annexed as Annexure-II. Stakeholders are requested to submit their comments in the format provided below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Airtel's Response

Please refer to the response to Q1. It is imperative to preserve the contractual nature of the authorisation / license in the interests of regulatory certainty and investment stability.

Airtel strongly opposes the inclusion of detailed terms and conditions in the Broadcasting (Grant of Service Authorisations) Rules, which encompass areas such as **(i)** Eligibility conditions, **(ii)** Financial requirements like processing fee, entry fee, bank guarantee, security deposit, renewal fee, **(iii)** Process of Application, **(iv)** Conditions for assignment and use of Spectrum, **(v)** Migration, **(vi)** Security Conditions.

It is crucial to ensure that all the terms outlined in the Broadcasting (Grant of Service Authorisations) Rules remain part of the contractual agreement between the government and the service provider, regardless of whether it is referred to as a license or an authorisation.

Including such detailed terms and conditions as Rules, rather than part of a license agreement, limits the service provider's ability to challenge these terms. Unlike contract-based terms, rules under a statutory instrument cannot be contested in the same way, leaving service providers with no recourse but to challenge the validity of the law itself. This would curtail their rights under the Contract Act.

Therefore, Airtel recommends the following:

1. **The contractual nature of the authorisation / license must be preserved under the new regime and with detailed terms and conditions that were previously part of the license continuing to be incorporated in the license agreement, rather than being included as part of the Rules under the Telecom Act.**
2. **In any case, the rights of service providers under the existing license agreements must be protected.**

Nevertheless, our comments against specific terms and conditions mentioned in the Broadcasting (Grant of Service Authorisations) Rules are as under:

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
1.	Definitions			Our response to Q2 may be referred to.
2.	Scope of Service and Service Area			Our response to Q3 may be referred to.
3.	Eligibility conditions	(3) The applicant company shall make full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into	3) The applicant company shall make full disclosure, at the time of application, of Shareholders Agreements~~, **Loan Agreements** and such other Agreements that are finalized or are proposed to be entered into~~	In the case of DTH, there has been no requirement to disclose Loan Agreements or similar agreements at the time of applying for a license so far. Introducing such a requirement at this stage would place service providers in a more challenging position than they were initially, which cannot be the intended outcome of the law. This change would unfairly create unnecessary complications, disrupting the established framework. Similarly, this should not be imposed on Teleports considering enablement of ease of doing business.
4.	Provision of Broadcasting Services			

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
	• Television Programming Services • Television Distribution Services			
5.	Processing Fee, Entry Fee, Bank Guarantee, Security Deposit and Renewal Fee	-	-	Response to Q11, Q12 and Q15 may be referred to.
6.	Process of Application to obtain the Service Authorisations	(i) The applicant entity shall make disclosure in its application of all its Shareholders, Loan Agreements and such other Agreements that are finalized.	i) The applicant entity shall make disclosure in its application of all its Shareholders, ~~Loan Agreements and such other Agreements that are finalized~~.	In the case of DTH, there has been no requirement to disclose Loan Agreements or similar agreements at the time of applying for a license so far. Introducing such a requirement at this stage would place service providers in a more challenging position than they were initially, which cannot be the intended outcome of the law. This change would unfairly create unnecessary complications, disrupting the established framework.
7.	Grant of Service Authorisations			
8.	Validity Period			
9.	Non-exclusivity clause			
10.	Conditions for assignment and use of Spectrum			Our response to Q7 may be referred to.
11.	Migration of Existing service providers of old regime in	11.(3).i. An online application requesting for migration may be	**In case of Teleport:**	**Our response to Q7 may be referred to.** Additionally, currently, Teleport License is valid for 10 years and spectrum allocation is on assignment basis. The terms

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
	the new Authorisations framework	provided, along with surrender/ submission of the existing license/ permission. This process shall not incur any additional fees, such as processing or entry fees etc. In such a scenario, the remaining validity period of the existing service provider shall be migrated to the authorization framework. All terms and conditions for service provisioning shall be governed by the rules made under the Telecommunications Act, 2023. 11.3.v. In case an existing Licensee/permission holder, holding	→ The existing permission should continue till the validity period and post that, renewal should be done in new authorization regime. → The assigned spectrum (administrative basis) should continue to be valid on the current terms and conditions on which it had been assigned, for a period of MIB permission.	and conditions that existed during the assignment of spectrum should remain unchanged for the period of MIB permission. The customer agreements are based these terms & conditions.

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
		administratively assigned radio frequency/spectrum (e.g., teleport, television channel, DTH, HITS, CRS etc.) migrates to the service authorisation granted under the Telecommunications Act, 2023, such spectrum shall continue to be valid on the terms and conditions on which it had been assigned, for a period of five years from the appointed day of section 4(8) of the Telecommunications Act, 2023, or the date of expiry of such spectrum, whichever is earlier.		
12.	Security Conditions			

Framework for Television Programming, Television Distribution and Radio Broadcasting

Q6. Draft structure for covering terms & conditions for provision of services after grant of authorisations to be included in the second set of Rules, namely, The Broadcasting (Television Programming, Television Distribution and Radio) Services Rules, is shown in Figure 2.4 above for consultation. Whether changes are required in the said structure? Please support your response with proper justification.

Airtel's Response

After reviewing the draft structure for the terms and conditions under the Broadcasting (Television Programming, Television Distribution, and Radio) Service Rules, we acknowledge and commend the intent behind creating a unified set of terms that would apply to television programming, television distribution, and radio services, alongside a separate, more detailed set for each service.

However, we have identified a significant issue: the natural consequence of adopting common terms is that the most stringent provisions, previously applicable only to certain services, have now been extended across the board. As a result, some services are now subject to much stricter terms and conditions than they were before, placing them in a worse off position.

For instance, the Broadcasting (Grant of Service Authorisation) Rules, require that the applicant company makes *full disclosure, at the time of application, of Shareholders Agreements, Loan Agreements and such other Agreements that are finalized or are proposed to be entered into*. This requirement has been mandated across the board now i.e., it applies to both television programming distribution service providers. In contrast, this obligation was previously only applicable to broadcasters under Part III of the Policy Guidelines for Uplinking and Downlinking of Television Channels. By extending this requirement to all service providers within the sector, the Authority has effectively placed them at a disadvantage.

In light of this, we strongly recommend that the most effective approach would be to maintain separate terms and conditions for each service, rather than combining them.

Migration Methodology

Q7. The two possible approaches for migration from the existing regime of license/ permission to the authorisation framework under the Telecommunications Act, 2023, has been discussed in the Section D of Chapter II. Which of these two or any other approach should be adopted for migrating the existing licensee/ permission holders to the service authorisation framework? Stakeholders are requested to provide their comments with detailed justifications.

Airtel's Response

At the outset, it is pertinent to note that presently, DTH services are being offered by operators under a provisional license. Therefore, our response should be considered in light of this fact and be read on a principle basis.

Please refer to our response to Q1 above. The contractual nature of the authorisation / license must be preserved even under the new regime; and in any case, the rights of service providers under the existing license agreements should be protected.

In respect of migration to the new regime, it is important to acknowledge at the very outset that Section 3(6) of the Telecommunication Act already envisages such process to be optional. We sincerely hope that these rules will be consistent with the provisions under the Telecommunication Act and will not require any of the existing licensees to mandatorily migrate to the new regime.

We submit that the conditions for migration should enable a smooth transition for those who wish to migrate, but also not be worse-off for the ones who choose not to migrate for any reason.

Further, the terms and conditions should not create any disparity between the licensees who choose to migrate to the new authorization regime and the licensees who do not. The latter cannot be put at a competitive disadvantage, as it is Constitutional mandate to maintain a level playing field in the industry.

Airtel believes that the process of migration to the new regime should be voluntary and in line with the provisions of the Telecommunication Act. It therefore, recommends the following:

Migration to the new regime should not create any disparity between the licenses and the principles of fairness and equity should be maintained. The terms and conditions applicable to the existing licensees who choose not to migrate should be no worse off than those applicable to such licensees who choose to migrate as well as the to the new entrants who obtain an authorisation under the new regime.

Penal Provisions

Q.8 Contravention of the terms and conditions contained in the Rules to be made as well as non-adherence to the Programme Code and Advertising Code is likely to invite penal provisions.

a. Whether the extant penal provisions for breach of terms and conditions of license/ permission are appropriate or required to be modified to align with the provisions of the Telecommunications Act, 2023? If so, please provide a detailed response with justifications. If not, whether the said penal provisions should be adopted mutatis mutandis? Please provide a detailed response with necessary justifications.

b. Further, in respect of violation of Programme Code and Advertising Code, whether the penal provisions should be adopted mutatis mutandis? If not, what modifications are required? Please provide your comments with necessary justifications.

Airtel's Response

Airtel believes that the extant penal provisions for breach of license / permission terms and conditions should be modified to align with the Telecommunications Act. This is because service providers would benefit significantly from a more structured, graded penalty regime as opposed to the present regime. For instance, today, in DTH any violation, irrespective of its gravity or nature could result in a large penalty, potentially up to INR 50 crores in addition to severe actions such as revocation of the license.

However, we also recommend against a straightforward adoption of Section 32 and the Second Schedule of the Telecommunications Act, 2023 which provide for graded civil penalties, based on the severity of the contravention (i.e., Severe, Major, Moderate, Minor and Non-severe). In this regard, Airtel suggests that clear guidelines should be formulated to identify and categorize which violations fall under each level of the categories.

Section 32(3) of the Telecom Act lists down the factors which need to be taken into account by an Adjudicating Officer while deciding on the amount of penalty under the Second Schedule. However, the application of these factors should not be left to the discretion of individual officers. Rather, detailed guidelines should be issued as to how the application of these factors may result in the classification of a breach as severe, major, moderate, minor or non-severe, along with examples.

For instance, we suggest that only the following violations should fall under the 'severe' category:

- Violation resulting in threat to the security of nation
- Violation resulting in heavy revenue losses to the Government
- Wilful and illegal conduct of the Licensee outside the framework of terms and conditions of the license/authorization.

There are also other considerations which need to be factored in at the time of imposition of penalty. Firstly, a penalty should be imposed only

when it is clearly established without doubt that there has been wilful misconduct on the part of the licensee/authorised entity, which has led to the breach. Further, the penalty amount should be charged only once per incident, irrespective of the number of authorisations held by the operator or the number of circles affected by the incident.

We recommend that, since the contravention and penalty provisions outlined in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunication Act are already comprehensive and well-structured, there is no need to introduce an additional set of penalties for violations of the Programme Code and Advertisement Code. The Telecommunication Act provides sufficient flexibility through the Second Schedule to determine penalties based on the severity of violations under both codes.

Therefore, Airtel recommends the following:

(i) Detailed guidelines should be issued as to how the application of the factors mentioned under Section 32(3) of the Telecom Act would result in the classification of violations into different categories under the Second Schedule, along with examples.

(ii) The penalty should be imposed only when it is established beyond doubt that it was wilful misconduct on the part of the licensee/authorised entity that led to the breach.

(iii) Even for violations of the Programme Code or Advertisement Code, the Authorised Entity should be governed by the provisions contained in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunications Act, 2023.

The Broadcasting (Television Programming, Television Distribution and Radio) Services

Q9. A preliminary draft of Common terms and conditions for inclusion in the second set of Rules for Broadcasting (Television Programming, Television Distribution and Radio) Services is annexed as Part-I of Annexure-III for consultation. Stakeholders are requested to submit their comments in the format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Airtel's Response

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
a.	Definitions	-	-	Our response to Q2 may be referred to.
b.	Assignment of Spectrum	-	-	-
c.	Equity Holding in Other companies	-	-	-
d.	Renewal of Authorisation	-	-	-
e.	Modification in the Terms and Conditions of Service Authorisations	-	-	-
f.	Non-exclusivity clause	-	-	-
g.	Restrictions on Transfer of Service Authorisations	-	-	-
h.	Provision of Service	(1) The Authorised Entity shall make its own arrangements for all infrastructure involved in providing the service and		While this specific clause does not require any change, please refer to our response to Q21 wherein Airtel advocates for a holistic method to infrastructure sharing that extends beyond cable and broadband services. The potential for cross-industry infrastructure sharing, such as

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
		shall be solely responsible for the installation, networking, operation and commissioning of necessary infrastructure, equipment and systems, treatment of user complaints, issue of bills to its users, collection of revenue, attending to claims and damages arising out of its operations etc. However, the Authorised Entity may share the infrastructure as permitted under the operating conditions.		between IPTV and DTH platforms, presents an opportunity to maximize resource utilisation and drive efficiencies across sectors. That said, it is important to ensure that no authorized entity is mandated / compelled to share its infrastructure with others in the sector. Furthermore, the terms and pricing of any infrastructure-sharing agreements should be determined mutually by the parties involved, rather than being determined by the Authority.
		(2) The Authorized Entity shall follow the measures notified by the Central Government under Section 21 of the Telecommunications Act, 2023 in respect of the procurement of	This clause should stand deleted.	The insertion of such clause will have a large scale impact on the entire sector. An Authorized Entity under the Act can be a broadcaster or a distributor. The equipment used by each varies significantly due to the differing services they provide. In fact, even among distributors, for instance, the equipment used by DTH services differ substantially from that used by cable operators. The present clause therefore, lacks clarity on the scope of equipment that will be covered under this clause.

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
		equipment for provisioning of broadcasting services only from trusted sources.		That said, Airtel is of the opinion that this clause should not apply to DTH services as DTH systems are typically standalone and do not rely on the internet or external networks for transmission, reducing exposure to common cyber threats like hacking or malware that target internet-connected devices. DTH services typically do not store or process sensitive personal data (such as financial information) on a large scale, which makes them less attractive targets for data theft compared to online streaming platforms or internet-based services Additionally, DTH services provide satellite-based delivery of television programming directly to consumer and within the DTH operations there is no concern with regard to Voice / Data services, or concerns pertaining to potential threats from cyber-attacks or espionage, personal information/data transfer or real-time communication. DTH services use strong encryption methods to protect the broadcast signals. The signals sent from the satellite to the DTH receiver are scrambled, and only authorized receivers with the correct decryption keys can access the content. This prevents unauthorized access to the service. Similarly, the communication between the DTH satellite and the subscriber's dish and receiver is encrypted and secured, making it difficult for unauthorized users to intercept or manipulate the signals.

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
				In line with the above, it is strongly recommended that the aforementioned clause for deployment from trusted sources shall be done away with altogether for the broadcasting sector.
i.	Reporting Requirement w.r.t Eligibility Conditions	-	-	-
j.	Adherence to Programme Code and Advertisement Code	(3) The Authorised Entity shall ensure that the subscribers of the service do not have access to any pornographic channel or to secret / anti-national messaging and the like through the Distribution Service Platform. If the Authorised Entity fails to do so, the Service Authorisation shall be revoked and the entity shall be disqualified to hold any such authorisation in future for a period of five (5) years, apart from liability	The Authorised Entity shall ensure that the subscribers of the service do not have access to any pornographic channel or to secret / anti-national messaging and the like through the Distribution Service Platform. If the Authorised Entity fails to do so, the Service Authorisation shall be revoked ~~and the entity shall be disqualified to hold any such authorisation in future for a period of five (5) years,~~ apart from liability for punishment under other applicable laws.	Under the DTH License, a Licensee was previously liable for the cancellation of their License if they failed to prevent subscribers from accessing pornographic channels or content promoting secret/anti-national messages. However, the proposed clause extends this liability by disqualifying the Authorized Entity from holding any such authorization for the next five years after revocation of the authorisation. This new provision creates a harsher penalty putting the Authorised Entity in a worse off position that it is in today and should therefore, be removed. Additionally, it is important to recognize that distribution platforms are not content creators and should not be held responsible for content that violates the Programme Code or Advertisement Code. **Liability for such violations should rest solely with the broadcasters providing the content, not the distribution platforms carrying it.**

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
		for punishment under other applicable laws.		
k.	Financial Conditions	-	-	-
l.	Commercial Conditions	12. **Commercial Conditions** The Authorised Entity shall charge the tariffs for the Service as per the Tariff orders/ regulations/ directions/ decisions issued by TRAI from time to time. The Authorised Entity shall also fulfil requirements regarding publication of tariffs, notifications and provision of information as directed by TRAI through its orders/ regulations/ directions issued from time to time as per the provisions of TRAI Act, 1997 as amended from time to time.	For **Teleport** Services, commercials should be governed by the Teleport Service Provider only and not as per the Tariff orders/ regulations/ directions/ decisions issued by TRAI.	For Teleport Services, the commercials are based on multiple factors which are not similar across service providers, like Bandwidth cost, scale of operations etc. Therefore, it is not feasible to charge tariff at a stated rate.
m.	Technical Conditions	(4) The Authorised Entity shall have the right to undertake the sale, hire, purchase, lease or rent of the Customer Premises	The Authorised Entity shall have the right to undertake the sale, hire, purchase, lease or rent of the Customer Premises	Allowing users to obtain user terminals from any source should be avoided, as it may lead several unintended consequences some of which have been outlined briefly below:

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
		Equipment (CPE). Users shall be given the option to obtain the user terminals from any source meeting the standards prescribed in Clause 4 above.	Equipment (CPE). ~~Users shall be given the option to obtain the user terminals from any source meeting the standards prescribed in Clause 4 above.~~	○ Even if the user terminals align with BIS standards, there is a possibility of compatibility issues arising leading to poor service quality thereby resulting in an increase in consumer complaints. By controlling the sale, hire, or lease of terminals, the authorized entity ensures that all equipment meets regulatory requirements and is compatible with their DTH systems. This ensures better service quality, reliability, and customer satisfaction, which could be compromised by third-party sourcing. ○ If the user terminal requires an upgrade, customers who obtain their terminals from third-party sources may not be able to access these upgrades, resulting in a discriminatory situation where consumers paying for the same service have different viewing experiences. ○ . Any discounts that may be offered by the DTH service provider on its user terminals cannot be availed if the consumer acquires its user terminal from a third party source resulting in a pricing disparity between users opting for the same terminal. ○ The E-Waste Rules, 2022 include Set-Top Boxes (STBs) within its scope. As a result, if Authorized Entities sell their STBs, they would lose control and visibility over

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
				how consumers dispose of these devices. This could expose the Authorized Entity to potential violations of the E-Waste Rules, 2022, which specify the proper disposal methods for e-waste. **Given the above reasons, the authorized entity should retain control over the provision of user terminals in their entirety.**
n.	Disaster / Emergency / Public Utility Services			
o.	Operating Conditions	15.(1).(b) The Authorised Entity shall not in any manner discriminate between users and provide services on the same commercial principle. The Authorised Entity shall clearly define the scope of Service to the user(s) at the time of entering into contract with such user(s). Before commencement of Service in an area, the Authorised Entity shall notify and publicise the address/	For **Teleport** Services, uniform commercial principle across customers is not viable.	The commercials are dependent on multiple factors like term of contract, bandwidth, SLA etc., therefore, uniform commercial principle cannot be viable across 'Teleport' customers.

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
		URL where any user can register demand/ request for Broadcasting (Programming and Distribution) Service. Any change of this address/ URL shall be duly notified by the Authorised Entity. Provided that nothing contained herein will affect or prejudice the rights of the Authorised Entity to carry out a check on credit worthiness of applicants for its services.		
p.	Confidentiality			
q.	Force Majeure			
r.	Dispute with Other Parties			
s.	Dispute Resolution and Jurisdiction			
t.	Contravention of Rules / Violation of Programme Code and	(1) The cases of contravention of these Rules shall be governed by the provisions contained in Chapter VIII	(1) The cases of contravention of these Rules and the Programme Code and Advertisement Code	Please refer to the response to Q8. since the contravention and penalty provisions outlined in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunication Act are already comprehensive and well-structured, there is no need to introduce an additional

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
	Advertisement Code	(Adjudication of Certain Contraventions) of the Telecommunications Act, 2023. (2) For the violation of the Programme Code or Advertisement Code, an Authorised Entity shall be governed by the Cable Television Networks (Regulation) Act, 1995 and the rules made thereunder	shall be governed by the provisions contained in Chapter VIII (Adjudication of Certain Contraventions) of the Telecommunications Act, 2023. ~~(2) For the violation of the Programme Code or Advertisement Code, an Authorised Entity shall be governed by the Cable Television Networks (Regulation) Act, 1995 and the rules made thereunder~~	set of penalties for violations of the Programme Code and Advertisement Code. The Telecommunication Act provides sufficient flexibility through the Second Schedule to determine penalties based on the severity of violations under both codes.

The Broadcasting (Television Programming) Services

Q10. Whether any changes are required in the extant eligibility conditions in respect of minimum net worth for inclusion in the Rules to be made under the Telecommunications Act, 2023 for the following service authorisations?

i. News & Current Affairs TV Channel

ii. Non-news & Current Affairs TV Channel

iii. Teleport/ Teleport Hub

Airtel's Response:

Requirement of high net worth as a tighter financial norm should not be kept for service authorisations when provisions like annual fees, performance guarantees also exist.

High net worth requirements can exclude smaller players and startups from entering the market, which limits competition and innovation. By reducing financial barriers, more entities can participate, fostering a diverse media landscape. The industry thrives on ideas and perspectives and removing the net worth requirements could contribute to economic growth.

It also leads to complex regulatory processes that can delay approvals and operationalization of new teleports. Instead, technical capabilities can be assessed. By adopting a more inclusive approach, the government can stimulate innovation, ensure diverse representation in media, and ultimately contribute to a healthier democratic environment.

Q11. Whether any changes are required in the extant processing fee (for new authorisation/renewal), annual authorisation fee (erstwhile annual permission fee) and other fees applicable on the following for the formulation of the terms and conditions of the authorisation for these services?

i. Uplinking of a Television Channel

ii. Downlinking of a Television Channel

iii. News Agency for Television Channel(s)

iv. Teleport/ Teleport Hub

v. Any other services related to Television Channels

AND**Q12. Whether any changes are required in the extant security deposit and performance bank guarantee applicable on the following for the formulation of the terms and conditions of the authorization for these services?**

i. Uplinking of a Television Channel

ii. Downlinking of a Television Channel

iii. Teleport/ Teleport Hub

iv. Purchase/hiring and use of SCG equipment

Airtel's Response:

We are already at the forefront of technology innovation to serve the customers with latest technologies and services. Therefore, we suggest the following:

a. At the outset, we believe that there **should not be any need for payment of annual authorisation fees** (annual permission fee) and it should be just charged one-time during the renewal of the permission in order to enable ease of doing business in India.
b. Additionally, we believe that the requirement for a **bank guarantee should be done away with** as less onerous financial obligations would certainly help the industry grow. If such securities are released, it will free up the working capital flow for the service providers and remove the infructuous payment of charges and generate value for the Teleport operators.
c. Currently, processing fee is payable at the time of application of Teleports (INR 10,000). **Considering the frequency of payment is not annual, no changes may be prescribed for the processing fee.**

There is an urgent need for rationalization of levies and the bank guarantees, to reduce the financial burden on the sector and help in the proliferation of services and help the industry both in the short and the long run.

Q13. A preliminary draft of terms and conditions for inclusion in the second set of Rules for The Broadcasting (Television Programming) Services is annexed as Part-II of Annexure-III for consultation. Stakeholders are requested to furnish their comments in the specified format given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Airtel's Response:

We have covered Telecom specific operational issues comprehensively in Question 5, 9 and 21, may refer that.

The Broadcasting (Television Distribution) Services

Q14. Whether the extant eligibility requirement in respect of minimum net worth is required to be harmonized under the terms and conditions of authorisation for DTH and HITS services?

a. If yes, what should be the quantum of minimum net worth for these services?

b. If no, reasons thereof.

Stakeholders are requested to provide their comments along with detailed justification.

Airtel's Response

Under the current regulatory framework, the minimum net worth requirement for DTH services is not prescribed, while HITS operators are required to maintain a net worth of INR 10 crores. Although both DTH and HITS are capital-intensive sectors requiring significant financial investment, the existing regulations already ensure that DTH service providers demonstrate sufficient financial stability through mechanisms such as annual license fees, bank guarantees and entry fees.

To provide clarity, the extent financial obligations for DTH and HITS operators are as follows:

Particulars	DTH	HITS
Entry Fee	₹10 crores	₹10 crores
Processing Fee	Not prescribed	₹1 lakh
Authorisation Fee	8% of AGR	Not prescribed
Net Worth	Not prescribed	₹10 crores
Bank Guarantee	₹5 crores initial, thereafter LF for two quarters	₹40 crores valid for 3 years

As illustrated above, DTH operators are required to pay an annual license/authorisation fee, which is 8% of their Adjusted Gross Revenue (AGR). They also have to submit a bank guarantee every year that amount to the '*estimated sum payable, equivalent to the License fee for two quarters and other dues otherwise not securitized*', thereby, ensuring their financial responsibility. These measures already serve as strong indicators of the financial stability and capabilities of DTH service providers, making the need for a specific net worth requirement unnecessary.

On the other hand, HITS operators do not have the ongoing financial obligation of paying an annual license fee or submitting yearly bank guarantees. While this may partly explain the rationale behind the mandatory net worth requirement of INR 10 crores for HITS operators ensuring they have the financial resources to support the infrastructure and operational demands of their business - Airtel believes that given the similarities in the services offered by HITS and DTH operators, there should be a similar license fee requirement for both.

Given these considerations, Airtel argues that while there is no need to harmonize the net worth requirements for DTH and HITS operators, there is a clear need to harmonize the license fee regime for both types of distributors to ensure a level playing field in the broadcasting sector.

Therefore, Airtel recommends maintaining distinct net worth requirements for DTH and HITS operators, as they are both structured to reflect the unique demands of their respective business infrastructure. However, steps should be taken to harmonize the license fee requirements between DTH and HITS service providers.

Q15. Whether the following parameters applicable for DTH and HITS services should be reviewed while framing the terms and conditions of authorisation for these services? If yes, please suggest changes required, if any, on the following aspects, with detailed justifications:

a. Period of authorisation (erstwhile license / permission)

b. Processing Fee

c. Entry Fee

d. Authorisation Fee (erstwhile License Fee)

e. Bank Guarantee

f. Renewal Fee

Airtel's Response

Our response is restricted to DTH services.

a. Period of authorisation

The period of authorisation for DTH is 20 years. **Airtel believes there is no need to review or change this 20-year authorisation period as it provides long-term stability for DTH operators, which is crucial in an industry with high upfront costs and the need for continual technology upgrades.**

This long tenure ensures that operators can maintain a stable market presence, develop their customer base, and invest in improving their service offerings without the constant concern of reapplying for licenses or facing frequent regulatory changes. Stability is important not only for the operators but also for consumers, who benefit from consistent service provision and innovation.

b. Processing Fee

Currently, and as proposed by TRAI, no processing fee is prescribed for DTH services. Since the issuance of the first DTH licenses by the MIB, no processing fee has been prescribed or collected. Introducing such a fee at this stage would impose an unnecessary financial burden, no matter how small, and would effectively place operators in a worse position than they are currently in.

In light of the above, Airtel proposes that no changes be prescribed for the processing fee.

c. Entry Fee

The entry fee for DTH services is presently 10 crores. **Airtel proposes that this amount should be continued** to discourage non-serious participants and also ensure that existing operators that have already paid substantial non-refundable entry fees are not at a disadvantaged position compared to newer entrants.

d. Authorisation Fee

Today, in the broadcasting sector's entire value chain, DTH operators are the only ones subjected to license fees. This creates a non-level playing field and is discriminatory and against the basic premise of government's endeavor to have a balanced regulatory framework. No License Fee is being paid by other competitors of DTH Operators, such as Cable and HITS operators, despite providing the same set of service to the same market. **Therefore, in the interest of parity and a level playing field, Airtel strongly recommends that the license fee requirement for DTH Services should be done away with in its entirety.**

When it comes to the Gross Revenue (GR), we suggest the following:

A. Exclusion of non-DTH revenue for determination of License Fee

a. Given that DTH License is also granted under Section 4 of Telegraph Act, 1885, a clarification/ amendment is necessary to ensure that non-DTH revenue (including any telecom/ IPTV revenue) is excluded from license fee payable to MIB.

B. Scope of Revenue:

a. The definition of GR should be amended and made consistent with the prevailing laws and accounting standards.

b. The constituents of revenue should be same for all, i.e., as has been recorded in the books under the prevailing laws. Accordingly, items which do not constitute revenue, e.g., Forex Fluctuations, Trade Margins, etc. should be excluded from GR.

c. The GR should only relate to revenue received/receivable directly from the customer on account of provision of DTH services for license granted under Section 4 of the Indian Telegraph Act, 1885.

C. Priority-wise definition of GR:

i. Gross Revenue (GR) is the amount charged; calculated on accrual basis as per the accounting standard notified under the Companies Act, 2013 as amended from time to time; from the customers in the course of ordinary activities of the Direct to Home [DTH] enterprise from rendering of services for which license has been granted under section 4 of the Indian Telegraph Act, 1885.

ii. Gross Revenue is the amount charged; calculated on accrual basis as per the accounting standard notified under the Companies Act, 2013 as amended from time to time; from the customers in the course of ordinary activities of the Direct to Home [DTH] enterprise from rendering of services and from the use by others of the enterprise resources yielding rent, interest, dividend, royalties, commissions etc. In the case of licensee providing or receiving goods and service from other companies that are owned or controlled by the owners of the licensee, all such transactions shall be valued at normal commercial rates and included in the profit and loss accounts of the licensee to calculate its gross revenue.

In case of Adjusted Gross Revenue(AGR): Applicable license fee should be paid on the Adjusted Gross Revenue (AGR), calculated by **excluding the following from the Gross Revenue (GR)**:

(i) Revenue from operations other than from the Direct to Home [DTH] business for which License has been granted by Ministry of Information and broadcasting.

(ii) Revenue from activities under a license/authorization issued by Ministry of Communications.

(iii) OTT Revenue & other partnership revenue on new Hybrid box (involving third party products/services)

(iv) Other revenues to be excluded:

a. Income from Interest, Interest on direct tax / indirect tax refunds

b. Scrap sales & other income (Eg. notice pay recovery etc.)

c. Gains from Foreign Exchange Fluctuations

d. Other miscellaneous ad-hoc income (eg Property Rent, Insurance claim, bad debts written back, Dividend etc)

e. Capital Gain on account of profit on sale of fixed assets, investments and on business combinations e.g. merger/demerger, slum sale etc.

f. Content cost paid to Platform service providers

g. Capital Receipts

h. Any form of Notional Income including free recharges/cash backs.

i. Reimbursement of expenses

j. Recovery from vendors on account of deficiency of service

k. Credits provided by OPEX. / CAPEX. Vendors

l. Management Support Charges/ Manpower Cross-Charge

m. Fair Valuation Gains: Income arising from accounting fair valuations / re-valuation.

n. Trade margins which is not realized by operator

(v) Entertainment tax and other State Tax

(vi) Collection towards the Installation related charges (that are being collected by DTH Operators)

TRAI had duly acknowledged the need for or establishing a level playing field in its Recommendations on "License Fee and Policy Matters of DTH Services"[1], and recommended, inter-alia, the following:

a. **Reduce DTH license fee from 8% to 3% immediately and then to zero by FY 2026-27.**
b. **GR, ApGR and AGR for DTH licensees have been defined on the same lines as prescribed by Cabinet for telecom sector.**
c. **Reduce Bank Guarantee exposure for DTH Industry.**

However, these Recommendations have not been incorporated into the recent Draft DTH License.

[1] https://www.trai.gov.in/sites/default/files/Recommendation_21082023_0.pdf

Airtel wholeheartedly supports and thanks the TRAI for reaffirming its position on reducing the license fee and bank guarantee exposure, as well as for redefining GR, ApGR, and AGR in Chapter 3.1, Direct to Home (DTH) Services, under the Broadcasting (Television Distribution) Services Rules.

Presently, broadcasters do not pay a license fee; instead they pay a fixed annual fee of INR 7 lakhs per channel for uplinking and downlinking, regardless of their revenue. In contrast, DTH operators pay a license fee based on the revenue they generate, including both the revenue from the course of its ordinary activities as well as any revenue accrued in the nature of pass-through income & revenue arising out of activities unrelated to the license including but not limited to content cost received on behalf of the Broadcaster.

The Regulator is aware that under the New Tariff Order, broadcasters set the maximum retail price (MRP) for their channels or bouquets, and distributors are bound to this MRP without any flexibility to charge higher amounts. Distributors can only retain 20% of the subscriber payments, with an additional 15% contingent on performance-based incentives from the broadcasters. Essentially, the distributor's revenue consists of the network capacity fee, only 20% of the "revenue" (collected subscriber payment) and any incentive-driven bonuses, while the broadcasters retain the rest, which includes the content subscription fees.

It is therefore incorrect to impose a license fee on revenue that is not attributable to the DTH operator.

DTH operators merely collect and pass on the broadcaster's revenue and the NTO clearly delineates the revenue streams between DTH operators and broadcasters. **It is reiterated that DTH operators earn revenue from distribution margins and network charges (NCF), while content subscription fees belong entirely to the broadcasters. Thus, in case License Fees is to be levied on Content Revenue, the same should be levied in the hands of Broadcasters directly.**

To resolve this issue while ensuring the exchequer does not face any losses, it is proposed that all broadcasters, whether satellite-based, ground-based or otherwise, should be subject to license fee based on their revenue generation on a "pay-as-you-grow" model subject to a minimum License Fees of 10% of entry fee. This approach will not only promote fairness and consistency across the industry but also ensure that smaller broadcasters are liable to pay manageable fees while larger operations contribute more proportionally.

It is reiterated that both telecom and DTH licenses are granted under Section 4 of the Telegraph Act and for all satellite spectrum-related aspects. DTH operators deal only with the DoT. However, the DTH license is governed by the MIB. **The DoT has already carried out certain amendments in the Unified License in order to exclude non-telecom revenue (including revenue from DTH) from the definition of AGR.**

However, no parallel change has been brought about in the DTH license regime by the MIB although the DTH license is issued under section 4 of Telegraph Act and the LF is paid there also on the AGR basis.

Therefore, our primary recommendation is to do away with the requirement of license fee payment in DTH services. However, in the interim, there is an urgent need to review the definition of revenue for DTH services, rationalization of levies and the bank guarantees, to reduce the financial burden on the sector and help in the proliferation of DTH services and help the industry both in the short and the long run.

e. Bank Guarantee

Presently, DTH operators first pay an initial Bank Guarantee of 5 crores and thereafter, an amount equally to the '*estimated sum payable, equivalent to the License fee for two quarters and other dues otherwise not securitized*'.

The industry has matured over the last two decades and the existing players have ably demonstrated their performance and experience. What they now expect from policymakers are less onerous financial obligations and the freeing up of precious capital/funds to be deployed into our operations. To that extent, the TRAI has already recognized this fact and reduced the BGs requirement.

The amount blocked in BGs benefits no one (neither the service provider nor the MIB), except perhaps the lenders. Rather, if such securities are released, it will free up the working capital flow for the service providers and remove the infructuous payment of charges and generate value for the DTH operators.

In consideration of the above, Airtel recommends that the requirement for a BG should be done away with.

f. Renewal Fee

Presently, there are no renewal fees prescribed for DTH.

DTH operators should not be required to pay a renewal fee, as they have not been required to do so under the current framework. Introducing such a fee at this stage would impose an unnecessary financial burden, no matter how small, and would effectively place operators in a worse position than they are currently in.

Additionally, the existing financial obligations, including the annual license fee (8% of AGR) and bank guarantee, already ensure that operators maintain financial stability and meet regulatory requirements. These measures effectively demonstrate financial responsibility, making a separate renewal fee unnecessary. **Therefore, Airtel is of the view that the current system should remain unchanged.**

Q16. A preliminary draft of terms and conditions for inclusion in the second set of Rules for the Broadcasting (Television Distribution) Services in respect of Distribution Services (DTH/HITS), is annexed as Part III of Annexure III for consultation. Stakeholders are requested to render their comments in the format specified in the table given below, against the terms and conditions and indicate the corresponding changes, if any, with necessary reason and detailed justification thereof.

Airtel's Response

S. No.	Description	Terms and Conditions	Proposed change	Reason with detailed justifications
1.	Authorisation Fee			Our response to Q15 may be referred to.
2.	Bank Guarantee			Our response to Q15 may be referred to.
3.	Vertically Integrated Entity: Reserving of operational channel carrying capacity	-	-	-
4.	Non Transferable			
5.	Platform Service Channels	(4) Total number of authorized PS for a DTH operator shall be capped to 5% of the total channel carrying capacity of the DTH operator platform	Clause should be deleted.	• India's diverse, multi-linguistic population has varying content preferences across regions and genres. Platform services provide content not available on linear channels, catering to diverse audience needs. Limiting PS channels would restrict customer choice and regional content availability. • DTH operators compete with MSOs/LCOs, which face no such restrictions, so the 5% cap on DTH channel capacity should be removed. DTH operators invest in their own infrastructure to

				meet audience needs, making any limit on PS channel capacity unnecessary. • **Therefore, Airtel recommends:** **1. No cap on PS channels for DPOs.** **2. DPOs/DTH operators should have discretion over PS channel content, as they understand customer preferences best.**
6.	Sharing of Infrastructure by DTH Operator	(1) General sharing of the infrastructure – Wherever technically feasible, the DTH operator may share the DTH Platform infrastructure on voluntary basis. The infrastructure sharing of DTH platform will be allowed for DTH services only and not for other Distribution Service Providers like MSOs or HITS operators		Our response to Q 21 may be referred to.
7.	Prohibition of certain activities	Explanation to Clause 7(5) : It shall be the sole responsibility of the	Explanation to Clause 7(5) : ~~It shall be the sole responsibility of~~ The	It should not be the sole responsibility of the distributor to determine if the broadcaster is in violation of the conditions under Clause 7(5). Distributors depend on the information provided by

		authorized entity to ascertain before carrying the signals on its platform whether any broadcaster(s) has been found to be in violation of the above conditions or not. In respect of Television Channel(s) already being carried on the platform, the authorized entity shall ascertain from every source including the Central Government, TRAI, Tribunal or a Court, whether the concerned broadcaster(s) or the channel(s) is in violation of the above conditions. If any violation so comes to its notice, the authorized entity shall forthwith discontinue to carry the channel(s) of the said broadcaster.	authorized entity shall make all reasonable efforts to ascertain before carrying the signals on its platform whether any broadcaster(s) has been found to be in violation of the above conditions or not. In respect of Television Channel(s) already being carried on the platform, the authorized entity shall ascertain from every source including the Central Government, TRAI, Tribunal or a Court, whether the concerned broadcaster(s) or the channel(s) is in violation of the above conditions. If any violation so comes to its notice, the authorized entity shall forthwith discontinue to carry the channel(s) of the said broadcaster.	broadcasters and should not be held liable for actions beyond their control. While distributors may be required to make reasonable efforts to verify compliance, placing the entire responsibility on them could result in undue liability and operational difficulties.

8.	Technical Standards and Other Obligations	-	-	-
9.	Mandatory Sharing / carrying of broadcast certain signals with Prasar Bharti	-	-	-
10.	Value Added Services (VAS	-	-	-
11.	Miscellaneous	-	-	-

Q17. The extant IPTV guidelines dated 08.09.2008 may be required to be amended to align with the provisions of the Telecommunications Act, 2023. A preliminary draft of terms and conditions for providing IPTV Services is annexed as Part III of Annexure III for consultation. Stakeholders are requested to provide their comments including addition / modification / deletion required, if any, with detailed justification.

Airtel's Response

After reviewing the terms and conditions outlined in Chapter 3.3: Draft Terms and Conditions for Internet Protocol Television (IPTV) Services under the Broadcasting (Television Distribution) Services Rules, we believe that they are sufficient in their current form and do not require any modifications.

Q18. Is there a need to review the minimum net worth requirement of Rs. 100 crore for ISPs to provide IPTV services, while framing the terms and conditions for provision of IPTV services in the new authorisation regime and whether it should be aligned with the terms and conditions of authorisation of Internet Services by Department of Telecommunications? Please provide your comments with detailed justifications.

Airtel's Response

We believe that the minimum net worth requirement of INR 100 crore for Internet Service Providers (ISPs) seeking authorization to offer IPTV services should remain unchanged. This requirement ensures that only financially stable and committed entities enter the market, capable of

investing in the significant infrastructure needed to deliver reliable and high-quality IPTV services. IPTV is a capital-intensive service that requires substantial investment in technology and network infrastructure. The net worth requirement serves as a filter to ensure that only those with the financial capability to meet these demands can provide services at the required standard.

Lowering the net worth requirement could reduce entry barriers, allowing less financially capable companies into the market, potentially leading to lower service quality, financial instability, and disruption to the IPTV ecosystem.

However, by maintaining a higher threshold, it can be ensured that only well-capitalized, serious operators enter the IPTV market, which is vital for ensuring service quality, and protecting consumers. Therefore, the net worth requirement should be reviewed but not reduced, as it is crucial for the integrity and long-term sustainability of the IPTV sector.

Furthermore, the Authority should ensure that any entity that provides IPTV services, regardless of its manner of provision, is subject to the same obligations—whether financial, commercial, or otherwise. This will help maintain consistency in the regulatory framework and ensure a level playing field, preventing any entity in direct competition within the IPTV sector from being given an undue advantage.

Any Other Issue

Q21. Stakeholders may provide other comments, if any, relevant to the issues related to terms and conditions, including regulatory fees for the broadcasting services authorisations with justifications thereof.

Airtel's Response

1. **Digital Platform (OTT) delivering broadcast content through broadband / mobile need to be brought within the authorisation / licensing framework.**

Today, convergence has taken place over the entire value chain – from underlying technology to service delivery /carriage to end-user.

a. **Several different technologies deliver the same customer experience.**
Technological convergence has enabled seamless delivery of content to consumers across geographies and devices. High speed 4G and 5G networks of telecom operators are today delivering content at such high levels of speed that they are rivalling what only fixed broadband or cable networks or DTH used to offer until recently.

b. Content consumption is similar across all devices.

The availability of high-speed broadband services coupled with the launch of various digital platforms has nullified the previous dependency on specific devices for watching specific content. Today, linear programming, live broadcasting and global and local content are being consumed across various screens (e.g., smartphones, PCs, Smart TVs). This convergence driven by platforms / applications delivering broadcast content via broadband and other digital platforms has dynamically altered consumer behavior and content consumption patterns.

However, the current regulatory provisions are creating a disparity in a technology-neutral environment and adversely affecting all pay TV operators (particularly DTH).

Due to technological developments and convergence, the same content can now be delivered using multiple mediums. However, the regulatory treatments governing these various mediums differ. This creates an unequal playing field.

The differential regulatory approaches employed can be understood through the following table:

Mode of Content delivery / access (e.g Content is a Live Channel / Sports)	Content rides on (underlying bearer)	Is Mode regulated (Y/N) – Need License or Registration	Pays License Fee (Y/N)	Tariffs Regulated (Y/N)	Licensed under & regulated by (for access & carriage)
DTH	Satellite & Dish	Yes (License)	Yes (8%)	Yes	MIB & TRAI
MSOs / Cable TV	Satellite / Dish & Cable / Fiber	Yes MSO (License); Cable (Registration)	No	Yes	MIB & TRAI
IPTV	Fiber	Yes (License)	Yes** (8% / 0%)	Yes	DoT/MIB &TRAI
HITS	Satellite / Dish & Cable / Fiber	Yes (License)	No	Yes	MIB & TRAI

DD Free Dish	Satellite & Dish	No	No	No	Under Prasar Bharti Act (no TRAI regulation apply on it)
Broadcast content being delivered over broadband through an application	Highspeed broadband (Wireless / Wireline)	No	No	No	No

a. Platforms like Digital Platform (OTT) delivering broadcast content through broadband / mobile and DD Free Dish provide the same content as provided by DTH operators to subscribers with no commensurate obligations of any kind. This is the result of the same content either being made available for free (on DD Free to Air) or provided on the same screen through a broadband pipe at unregulated prices (on Digital Platform (OTT) delivering broadcast content through broadband / mobile) and differential regulatory treatment. This is against the basic premise of TRAI's endeavour to have a balanced regulatory framework.

b. It also incentivises customer-switching thereby putting revenue pressure on DTH operators who have no option other than to charge subscribers. **There's OTT at the top of the pyramid and DD Free Dish at the bottom. In the middle, private DTH services are getting squeezed.**

c. This entirely unequal, discriminatory situation has created several regulatory loopholes/lacunae that are easily exploited by unregulated players. While on the one hand these players benefit from these regulatory gaps as they don't fall under the ambit of the TRAI, on the other hand it has brought the fully-regulated DTH industry to the verge of collapse.

d. This clearly shows that the DTH industry is operating in an intensely competitive environment where different players are offering perfectly substitutable broadcasting services. The Authority should ensure all the service providers (OTTs, DTH, Cable TV, Free Dish) rendering similar services should be subject to the same sets of rules and regulations.

Having said that, the issue extends beyond this point. The convergence of technologies, without a corresponding convergence in governance, has led to a distinct set of challenges, outlined as follows:

a. **Violation of "Must Provide" Principle**: TRAI introduced the principle of must provide to ensure broadcasters provide content to all distribution platforms on a non-discriminatory basis. However, it becomes inapplicable in cases where the same broadcast content (as shown on the registered distribution platforms) is being carried over broadband as a medium.

b. **Violation of MIB Downlinking Policy**: As per MIB's Downlinking Policy, the broadcaster is under an obligation to provide services only through registered DPOs (such as DTH providers, etc.). By providing broadcast content to unregistered digital distribution platforms, the broadcasters are violating the Downlinking Policy. This needs urgent redressal by MIB and TRAI.

c. **Violation of MIB Cross Holding Restrictions**: MIB does not permit a DTH licensee to allow broadcasting and/or cable network companies to collectively hold/own more than 20% of the total paid up equity in its company at any time during the licence period –or vice versa. However, no such restriction exists for other platforms. Some stakeholders have unfettered ownership and control of all parts of the broadband and broadcasting value chain including content and carriage. This creates monopolies.

These anomalies lead to risks such as exclusionary and discriminatory impact on subscribers who may not be able to access broadcast content on their choice of delivery medium. In order to cope with the competitive constraint from unregulated platforms, there is a pressing need, therefore, to bring about 'Regulatory parity' among all delivery platform operators. The Authority has recognised this issue, but no concrete steps have been taken till date. It is thus high time that action was taken, and these services brought within the legal and regulatory framework.

Regulation of Digital Platform (OTT) delivering broadcast content through broadband / mobile will make the regime future-ready:

As the digital landscape continues to evolve, a well-structured regulatory framework that includes Digital Platform (OTT) delivering broadcast content through broadband / mobile could help address future challenges more effectively. By proactively incorporating OTT broadcast services into the authorisation regime, the government can ensure that the law remains adaptable and responsive to technological advancements. It can also address the issue of the unequal playing field that has emerged between the Digital Platform (OTT) delivering broadcast content through broadband / mobile and traditional distribution platform operators.

Therefore, Airtel recommends the following:

(i) Digital Platform (OTT) delivering broadcast content through broadband / mobile should be brought under the authorisation/licensing framework.

(ii) Any platform which offers content similar to that offered by the regulated distribution platform should equally be brought under a

similar regulatory regime – irrespective of technology – as per the principle of 'Same Service – Same Rules'.

2. Urgent Need to bring Prasar Bharti's Traditional broadcasting and OTT platform services within the purview of the authorisation / licensing framework.

Originally established as a public broadcasting service dedicated to disseminating information of national importance, Prasar Bharti has now descended into commercial broadcasting. Today, DD Free Dish is providing services similar to other DTH Operators. Registered DPOs have consistently raised concerns about the anomalies in the licensing and regulatory treatment, which has created an anti-competitive environment and a non-level playing field for DTH operators. This differential regulatory approach can be elaborated as under:

1. DD Free Dish's revenue model relies on earning revenue from broadcasters rather than subscribers, thus it cannot be termed as operating under Public Broadcasting Services. DD Free Dish has attained a commercial nature as it generates revenue through the auction of TV channel slots to private commercial broadcasters.
2. DD FreeDish carries several channels that are pay channels for subscribers of other DPOs, whereas such channels are free for DD FreeDish customers (approximately 22 channels).
3. There is no regulatory capping on carriage fee earned by DD FreeDish; it earns carriage fee as per the rate determined through the auction of its capacity. Other DPOs face stringent regulatory capping on the carriage fee they can charge broadcasters with (i.e., up to INR 4 lakhs per month per SD channel)
4. Even through DD FreeDish uses the same satellite distribution technology in the Ku-band frequency to provide its services as a DTH, it has not been treated at par with DTH operators.

This regulatory imbalance has led to a significant number of DTH subscribers migrating to DD FreeDish, causing a big dip in the number of active DTH subscribers and causing substantial financial losses for private DPOs.

DD FreeDish now serves approximately 45 million households, constituting roughly 26% of the entire combined cable TV and DTH subscriber base and 41% of the total DTH base (pay and DD free Dish). In addition to this, on 21 November 2024, Prasar Bharti also launched its OTT Platform – WAVES. Despite its market dominance, TRAI has not enforced regulatory measures on DD Free Dish, creating an uneven playing field favouring the largest DPO in the country.

Active Paid subscribers continued to reduce in 2023.

	2020	2021	2022	2023

Cable*	72	68	64	62
DTH*	56	55	54	53
HITS*	2	2	2	2
Total Pay TV	**130**	**125**	**120**	**118**
Free TV**	40	43	45	45
Total	171	168	165	163

Television subscriptions in millions | Industry discussions, billing reports, TRAI data

**Net inactive / temporarily suspended subscribers but including pirated and under declared subscribers.*

*** Free TV is derived as a balancing figure after reducing paid and pirated TV homes form adjusted total TV universe less temporarily deactivated homes.*

The coexistence of an unregulated DD Free Dish and over-regulated DTH operators within the same service has fostered an anti-competitive landscape, tilting in favour of DD Free Dish. This imbalance has now positioned DD Free Dish as an appealing substitute to traditional pay TV packages, further driving the downward trend in pay TV subscriptions.

This situation is unique to broadcasting. In telecom, BSNL, the state-owned telecom operator, competes with private telecom operators in a highly regulated sector, adhering to the same rules and licensing requirements and market competition rules. In contrast, DD Free Dish, a free-to-air DTH public service broadcaster under Prasar Bharati, competes directly with private DTH operators but is not subject to any of TRAI's regulations including tariff and quality of service regulations. Additionally, with OTT Broadcast services also being outside the regulatory scope, Prasar Bharti's recently launched OTT Platform WAVES also remains unregulated. While both, BSNL and Prasar Bharti are Government-backed initiatives, they function in distinct regulatory environments, resulting in a unique situation where one entity contends on an equal footing, while the other enjoys a relatively unfettered status within its sector.

Therefore, Airtel recommends that Prasar Bharti also be brought within the ambit of the Authorisation / licensing framework in so far as the Broadcasting (Television Programming, Television Distribution and Radio) Service Rules should apply to them. This approach will promote a vibrant and inclusive broadcasting sector and ensure that the industry evolves in harmony with technological advancements and changing consumer preferences.

3. DoT should be designated the Nodal Ministry for all licensing requirements across access cum carriage platforms.

Currently, content regulation falls under MIB but access technologies are distributed under two ministries viz. MIB (DTH/Cable) and DoT (wireless and wireline broadband). The Government has recently undertaken to bring all online platforms under MIB so that content/censorship falls under one ministry irrespective of platform. Airtel fully supports this. However, this does not entirely solve the issue because the access part continues to be governed by MIB for one medium and DoT for another.

This fragmented regulatory structure can lead to policy inconsistencies, increased compliance burdens for businesses and, ultimately, higher costs for consumers. A more unified approach would be to reduce duplication, streamline compliance and ensure a more efficient regulatory environment for both operators and consumers.

Therefore, in light of the above, Airtel suggests and strongly recommends the following:

(i) DoT should be assigned as the single department responsible for all licensing requirements across access cum carriage platforms – Mobile, Broadband, Cable and DTH

(ii) MIB should be retained as an umbrella body for all content regulation, management and appropriate censorship across all mediums with these platforms being covered under orderly rules to carry the same content.

4. Cross-industry Infrastructure-sharing should be permitted

On September 28, 2023, the Ministry of Information & Broadcasting introduced crucial amendments to the Cable Television Network Rules, 1994. Among these amendments was a provision facilitating the sharing of infrastructure between cable operators and broadband service providers. This initiative aimed to realise the twin benefits of enhanced internet penetration and efficient utilisation of resources. Additionally, it was anticipated that the initiative would help alleviate the necessity for additional infrastructure for supporting broadband services.

In alignment with this approach, Airtel advocates a holistic method for infrastructure-sharing that extends beyond cable and broadband services. Cross-industry infrastructure-sharing, such as between the IPTV and DTH platforms, presents the opportunity to maximise resource utilisation and drive efficiencies across sectors.

Drawing parallels with the telecom industry, where infrastructure-sharing has been instrumental in realising economies of scale, the importance of liberal and mutual policies for infrastructure-sharing cannot be emphasised enough. Such policies not only foster innovation but also contribute significantly to the sustainability efforts of companies and the nation at large.

The benefits of infrastructure-sharing extend beyond cost savings, encompassing efficient utilisation of available infrastructure, reduced capital and operational expenditures (CAPEX and OPEX) and decreased reliance on foreign imports of electronic systems and satellite transponders. Additionally, infrastructure- sharing enhances distribution network capacities.

5. Ease of Doing Business should be enabled for Teleports.

a. Processes related to the Ministry of Information & Broadcasting (MIB) should be **fully integrated, made online through a single window clearance system** and completed in a time-bound manner: A single window system is required which has online integration with other required departments like DOS/In-SPACe, WPC & NOCC. When new channel permission is issued by MIB, it should flow directly to WPC for endorsement. Currently, after MIB permission, a separate application has to be submitted for WPC endorsement and then NOCC uplink permission for a particular channel.

b. There is a need to do away with the requirement for seeking prior approval for appointments to key positions or seeking prior approval from MIB for any proposed change in equity & shareholder agreement. It is submitted that the position of CEO / Board of Directors is a very senior and dynamic position and the requirement of obtaining prior permission from MIB before making any such change forces the company to be non-compliant with the licence conditions as it takes substantial time to find suitable replacements at this level. Thus, the requirement of prior permission from MIB before effecting any change in the CEO / Board of Directors of the company should be done away with.

c. Infrastructure sharing between DTH/ Teleport/Telecom Operators should also be permitted in order to synergise the resources for effective utilisation.

d. There should not be any need for payment of annual renewal fees as they should be charged one-time at the time of renewal of the permission.

e. The validity of the Teleport WPC Licence should be in line with the MIB Teleport permission or Authorisation. The MIB permission is valid for 10 years so the same case should exist for the WPC licence. The payment of royalty charges should continue to be on an annual basis.

f. It is suggested that the validity of the permission/approval issued by DoS for the use of satellite and transponder be the same as the Uplink Downlink permission for a TV channel as issued by MIB. The Uplink Downlink permission issued by MIB is valid for a period of 10 years whereas the validity of the DoS permission/approval is valid for only 3 years.

g. Airtel recommends that there not be any minimum bandwidth requirement for the endorsement of TV channels on the Teleport WPC Operating Licence. Currently, the minimum BW for endorsement of SD channel is 1.5Mbps & for HD channels is 5Mbps. This needs to be revised for better bandwidth utilisation. Considering the latest technological developments, which include very effective statistical multiplexing, bandwidth allocation is done dynamically based on the need of the content. Fast-moving content is dynamically allocated more

bandwidth while static content is allocated less bandwidth. The dynamic allocation of bandwidth based on content requirement helps in optimising available bandwidth in a better way and results in adding more channels to the capacity available.

h. Once MIB permission is granted for a new channel, then endorsement for that channel should require only that WPC is intimated rather than that WPC grant approval.

i. Broadcaster consent should not be required for WPC de-endorsement if MIB had already cancelled the permission.

j. Teleports should be allowed to voluntarily de-endorse the non-operational channels after a period of 90 days in order to make the bandwidth available for new channels.

k. Currently, Teleports are required to get approval from NOCC for the up-linking of individual channels on the approved carriers post WPC endorsement. This further delays service activation by 5 to 7 days. The NOCC approval should be required for the complete carrier and not for the addition of individual channels in that carrier.

l. WPC permission issued to teleports should be valid for 10 years. In case WPC permissions have been issued for a transponder on a certain frequency for a new channel, any additional channel applications by the same applicant on the same transponder and frequency should not necessitate the need for fresh WPC permission. WPC should merely expect to be informed with respect to such additional channels.

m. Any channel permission cancellation by MIB should flow directly to WPC and the channel should get de-endorsed automatically instead of the Teleport Operator having to apply separately for the de-endorsement.