



BY HAND/ELECTRONIC MAIL

05th November, 2016

To,
Advisor (B&CS)
Telecom Regulatory Authority of India,
Mahanager Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Minto Road,
New Delhi - 110 002

Dear Sir,

Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the Consultation on the draft Standards of Quality of Service and Consumer Protection (Digital Addressable Systems) Regulations, 2016.

At the outset, we would like to thank the Authority for giving us an opportunity to tender our views on the **Consultation on the draft Standards of Quality of Service and Consumer Protection (Digital Addressable Systems) Regulations, 2016.**

In regard to the present consultation process, we submit that we have perused the said paper highlighting the intricacies of the draft carefully. We hereby submit our comments attached as Annexure. The said comments are submitted without prejudice to our rights and contentions, including but not limited to our right to appeal and/ or any such legal recourse or remedy available under the law.

The same are for your kind perusal and consideration.

Yours Sincerely,





Encl: As above



ABP News Network Pvt. Ltd.

(formerly Media Content and Communications Services (Ind) Pvt Ltd)

CIN No.: U92132MH2002PTC136072

A-37 Sector 60 Noida U.P. 201 307 India T: +91 120 407 0000 F: +91 120 407 0211 W: www.abplive.in

**Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the
Consultation on the Draft Standards of Quality of Service and Consumer Protection
(Digital Addressable Systems) Regulations, 2016**

Kind Attention:

**Advisor (B&CS)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Minto Road,
New Delhi - 110 002**



At the outset, we would like to thank the Regulator for initiating an exercise on improvement of Quality of Services in the Broadcasting space and we are glad that the initiative is close to being taken to a logical conclusion. In this regard we state that given the need for increase in quality of services to the consumers, we support the intent of the regulations introduced in the Standards of Quality of Service and Consumer Protection (Digital Addressable Systems) Regulation, 2016.

It is submitted that even though the Regulator has initiated this move to ensure transparency at ground level it is to be noted that not all the consumers are aware of their interests with respect to choice of services, terms and conditions of services, their rights when it comes to the services that they have opted for, and redressal of their complaints. The main purpose of the Authority introducing such quality of services is to ensure Transparency, Accountability to enable the consumer to derive maximum benefits and protection from the services availed.

The framing of regulations under QOS is evolved from the existing discrepancies and irregularities in the system and due to which the end customer is not at advantage. The basic motive while drafting regulations under QOS is to ensure following:

- a) Fair and transparent system and flow of services from Distributor to Consumer
- b) High-Quality of signals of TV channels and number of other services in reference to it
- c) A system of accountability of the Distributor to the end consumer
- d) Setting up of minimum standards to be followed by service providers in compliance of the laws and policies
- e) Setting up of adequate checks in terms of addressing the grievances of the consumer
- f) Awareness among all stakeholders as it is key to positive progress
- g) To make accessing such services uncomplicated and user friendly

There are certain grey areas in the present regime of service providers basis which the authority has come up with the present draft regulation. The foremost is that subscribers are not completely aware about subscription packages. The second being a lack of clarity in reference to installation and billing process vide which subscribers are charged for various services offered on non-uniform basis. This is just a broad enumeration of problems that the end delivery of content providers are aware of with respect to distribution of their content but the problems run much deeper than what meets the eye.

In order to enable an effective service delivery platform which satisfies the criteria set out above and also address the issues highlighted, it is imperative that the service framework introduces step-by-step measures to which a distributor of TV channel shall work in conformity to it. Some of the major issues that require addressal are enumerated below:

1. **Subscription to broadcasting services:** The regulation highlights the measures that should be adopted by the distributor of TV channels at the stage of initial installation of services and the first time subscription is availed by the subscribers. The terms and policies should be subscriber friendly and the distributor of TV channels shall work to ensure error free services. As per technical and operational feasibility the distributor of TV channels shall adopt Customer friendly methods. The subscription of channels shall be on monthly subscription basis and on both a-la-carte and bouquets basis. All distributors of TV channels shall work in conformity of the regulations protecting the interest of the subscribers. The Distributor of TV channels shall maintain all records of the subscribers.

The broadcasters shall also be made available with the record of subscribers subscribing services of the distributor of TV channels on either monthly basis or quarterly basis as it will help them to track the average subscription base in a particular region and thus help in formation of subscription agreements and deciding subscription fees. This will also enhance transparency between the Broadcasters and distributors of TV channels. The record of subscribers' base will help to provide enhanced quality of services.



2. **Distributors must be accountable to consumers in terms of information:** The distributors must ensure that their websites and services are customer friendly and that all the options relating to packages, CPE schemes, a-la-carte price of the channels are provided to the consumers beforehand. Consumers should also be made aware of these, and advertisements with respect to consumer awareness should be carried on the channels, so that the consumers know what they need to ask before opting for a particular DPO and a package.
3. **DPOs must be accountable to consumers in terms of timely delivery:** The Authority must also consider that within the same activity, there are different steps involved which need to be appropriately addressed. The process of providing a new connection should include the activity of making a request by the consumer, populating such request by filling in the request application form or Customer Application Form (CAF), providing the necessary equipment's. All these activities though fall in a particular chain are independent of each other. There needs to be a distinct timeline for each activity depending on the complexity of the activity. The Authority should prescribe some deterrence based options in order to keep a check on the strict implementation of the timelines so prescribed for different activities, though financial disincentives exist in the present regulatory framework. It is pertinent to note that DAS Phase 1 and 2 there was complete non-conformity of quality regulations and in majority cases the CAF forms were not even filled and the status continues to be incomplete as on date. Thus, the authority must on priority address the problem of poor implementation of these regulations in order to ensure that DPOs fall in line in respect to the QOS standards whilst ensuring stringent penal provisions.
4. **Disincentives to Service Providers to package channels as per its convenience:** Further, packaging of the channels should be well enforced on ground. Also, it is essential that all the consumers are informed about all the packages and are not provided with the packages that best suits the DPO. Given that the proposed regulations are Distributor centric placing the DPOs at a monopolistic footing leading to a situation of discrimination and monopoly. The option of selection of consumer's choice of channels have also increased the burden on their wallets, which would in turn make watching TV more of a luxury entertainment as the higher is the paying capacity of a subscriber, the more channels he gets in his basket, while the remaining lower paying capacity of subscribers would be forced to subscribe to only those Channels which the Operator offers. This would put non vertically integrated broadcasters at a disadvantageous position . Therefore, a framework must be created in order to ensure that disincentives are provided to service providers if they indulge in arbitrary packaging of channels.
5. **Maintenance of Services after Initial Subscription:** The distributor of TV channels shall work in conformity of the regulations and provisions, as the obligations on a service provider do not end with installation and activation of subscription. The distributors of TV channels should maintain flow of services at all different stages of such services. The accountability and continuity of services should exist in all spheres. Every stakeholder of this sector completely agrees with suggestions and should make an effort to abide regulations.
6. **Customer Care and Complaint Redressal:** The main intent behind the various consultations addressing quality is to ensure that subscribers are delivered high quality of services and the room for errors and grievances are low. One of the best ways to provide effective services is to make the interactivity of the end consumer with the service provider seamless. The technology used for distribution along with options on set top box must be easy to understand and uncomplicated. Another essential mandate through which the



purpose of quality of services is through maintaining customer care options in order to efficiently address the grievances of the subscribers.

Every DPO must be mandated to establish a complaint centre to resolve the complaints of the consumers. The regulations also mandate that the customer care number is toll free. The regulations further state that in case subscriber is not satisfied with the redressal of his complaints through complaint centre, he can approach the nodal officer of the operator. The Authority must understand that these laws do not effectively protect the consumers' interests because; the consumers are left to the mercy of either the Distributors or their nodal officer. While content providers and distributors have right to approach TRAI and TDSAT in case of grievances, the rights to the consumers under Section 14 of the TRAI act are hugely underplayed. Thus, an initiative must be taken on the part of TRAI and DPOs to inform the consumers about their rights and redressal mechanism in case of being on the receiving end of sub-standard quality. On top of that, the end consumer must also be apprised of standards of quality that DPOs must adhere to so that they can make an informed decision of whether the QOS being provided to them is appropriate or not. TRAI should also have a toll-free number where the consumers can enter their complaint which is not resolved by the DPO, so that the appropriate and timely action against the DPOs is taken by the Authority. This will ensure that the Quality of Service which the Authority wants every subscriber to get, is actually availed by the subscriber on the ground.

7. **Disconnection notifications:** the reason why the Authority had mandated the requirement of publishing public notices in case of disconnection/discontinuation of the channels was to ensure that the consumers are adequately informed of such drop of channels as well as the reason behind it. The onus to let the consumer know of a possible disconnection/discontinuation should be both on the Broadcaster and DPO and that they should immediately notify the same to the consumer as soon as they are notified of such or if they notify the broadcaster of discontinuation and the reasons for the same. It could be done via scrolls but such scrolls must be on the channel in such a manner such that the channel feed isn't blocked / interrupted / disturbed. In the current scenario, many a times, the consumers are not informed adequately or misinformed about the disconnection of channels including the timeline for disconnection, and the reasons for such. Thus, it should be the Broadcaster's prerogative to inform the consumers about the disconnection notification given that Broadcaster being the creator of content may add a scroll in case such information needs to be given out.
8. **Audits to ensure QOS:** In order to keep consumer grievances in check, there should also be provisions for audit of the DPOs system to check the compliance of the QOS standards prescribed by the Authority. The frequency of such audit can be 2 times in a year. The Authority may suo motto carry out surveys of residential households at random places to check on the level of grievances being faced by such consumers and the manner it has been taken care of by the DPOs. This would also ensure proper checks and balances and keep the DPOs very alert to ensure that the grievances are redressed in a time bound manner.
9. **Disruption during maintenance:** The regulation prescribes that in case the disruption has arisen due to planned maintenance activity in the network of DPO, the Broadcasters and subscribers may be given an advance notice indicating expected time and date of resumption of service. It is needless to state that the disruption of service would be with respect to the entire network of the DPO and not just with respect to a few channels.

We therefore note that under the present exercise the major effort in defining the QOS is not really the technical quality of received signals but rather ensuring and easing availability of



commercial information to consumers regarding packages, rates etc. to enable the consumers to exercise their choice of channels in a fair and transparent manner. A special effort will be required to ensure that the consumers are empowered with an easy to follow procedure that makes the process of new subscription or change in the composition of channels/bouquets user friendly experience. The effort on part of TRAI is laudable, and thus in the scheme of the TRAI Act, it would be appropriate for TRAI to make the present draft regulations on QOS a reality ensuring valid suggestions from all stakeholders are taken into account.

