



**IBF's response to the consultation paper on 'Tariff issues related to Commercial Subscribers' issued by Telecom Regulatory Authority of India on 14 July 2015.**

**1. Is there a need to define and differentiate between domestic subscribers and commercial subscribers for provision of TV signals?**

At the outset, IBF would like to thank the Authority for bringing out a second consultation paper on commercial subscribers.

The subject matter has seen many cataclysms in the past and bringing clarity to the issue is essential for all stakeholders in the industry. Thus IBF's response starts by answering the primary question on whether there is a definitive need to define and make a distinction between a commercial and an ordinary subscriber.

TRAI, by this consultation paper, seeks responses from different stakeholders on whether any distinction is to be made between the commercial and ordinary subscribers, or are they to be treated on the same footing.

IBF is of the view that a domestic subscriber is one, who or which is (a) purely residential (b) uses the television channel for the personal use of himself and his family and (c) who secures no direct or indirect or incidental commercial gain whatsoever by the usage/display of television channels.

On the other hand, a commercial subscriber uses and requires TV channels not for his own consumption but to attract customers/clients to his establishment or as a service to his customers which may be incidental to the primary commercial purpose of the establishment or for direct commercial gain or in the form of providing amenities to the consumers. In the case of Commercial subscribers the charge levied to a customer may be an all-inclusive charge that includes the cost of amenities borne by the establishment but provided for the use and/or enjoyment of his customers or guests either in the form of fees for such viewing or as a built-in cost which is a part of overall services rendered. A commercial subscriber may differ in size and the level of economic activity but nonetheless the activity carried on by a commercial subscriber is fundamentally an activity to earn profit or commercial gain.

Prima-facie equating the commercial subscribers with domestic/ordinary subscribers for the purpose of fixation of price of channel is not at all required as the end "user" of signals in both the cases are varyingly different. It is wrong to treat different category of subscribers on the same footing as the Authority has opined and maintained for the past 10 years and also as the Hon'ble TDSAT has maintained through different rulings.

The use of channels by both categories of subscribers is different; domestic subscribers use the channels for their domestic purpose i.e. for their own personal consumption only whereas the

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commercial subscriber uses it for the benefit of its customers, clients, members or any class or group of persons having access to the commercial i.e. for commercial purpose and **commercial gain**. The Authority has itself acknowledged that commercial subscribers are a class that is distinct from ordinary domestic subscribers and have also recognized the difference in purpose of use of the channel signals by both classes. This classification is necessary to appreciate the fact that a commercial subscriber uses the signals of the Channel for the enhancement of the commercial value of the commercial establishment.

TRAI's paradigm shift from their earlier stand through this Consultation Paper that makes out a case for Commercial Subscribers to be treated at par with Ordinary Subscribers, is not only creating uncertainty, but also lacks conviction and justification. This stance given by TRAI in this Consultation Paper is also at variance with the authorities own stand reflected in Press Release dated 13.05.2015.

IBF would like to state and put on record that there should be a definition of commercial subscribers, as mentioned above, there should be a differentiation between ordinary and commercial subscribers and also there has to be a differential pricing regime for the two different categories of subscribers.

In a market economy, the state steps in to regulate private enterprise in any sector only where there is market failure. The backdrop in which the broadcasting sector, with specific reference to tariff issues, came to be regulated, was the complaints from domestic consumer / organizations that they needed respite from the unregulated and opaque mechanism of tariff primarily due to lack of competition in the market. Thus, the decision to regulate the sector was on account of providing succour to domestic subscribers.

This is the reason why the TRAI did not address the issue of commercial subscribers when it was formulating the tariff orders in 2004 and 2005. When the Hotels were being asked to pay rates that were higher than the rate frozen by TRAI for domestic consumers and they went to the TDSAT against the threatened disconnection and the Tribunal ruled that these entities were not consumers, the TRAI finally agreed to look at this separate category.

The very first time that the TRAI looked at this issue, on 7<sup>th</sup> March, 2006, it specifically recognized that a separate category of subscribers exists which requires (a) separate definition and (b) separate treatment. The reason for this, as was very succinctly given by TRAI was that whereas the domestic / ordinary subscriber uses the signal for its own domestic use, the commercial subscriber uses it for the commercial benefit derived for its own customers.

This distinction has stood the test of time and never been disturbed either by the TDSAT or the SC or even TRAI, till its Tariff orders of 16.7.2014 and 18.7.2014. Incidentally, these have been struck down by the TDSAT on the sole basis that the TRAI, in drafting these tariff orders, while mindful of the distinction between the two categories of subscribers, as reflected in the separate definition, has completely ignored the nature of "user" by the two distinct categories of consumers of the signal.

**2. In case such a classification of TV subscribers is needed, what should be the basis or criterion amongst either from those discussed above or otherwise? Please give detailed justification in support of your comments.**

The basic criteria to differentiate the signals of television channels is to find out where and how the signals are being used. The 'difference of usage of signals and the place of usage' has all along been the criteria to differentiate between commercial and ordinary subscribers.

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On account of the admitted position that there exists differences between ordinary subscribers, who use television services purely for domestic purposes and commercial subscribers who use television services in furtherance of their business, there cannot be any justifiable ground for treating the two categories of subscribers equally. It is not the nature of signals which is a determinative factor for tariff fixation, but the nature of end use of the signals. A distinction between ordinary and commercial subscribers has to necessarily be made on the basis of utilization of television signals. It is pertinent to note that the Copyright Act, 1957, which is the substantive Law dealing with the rights of the broadcasters, itself contemplates that utilization of broadcast services by entities like Hotels, Inns, etc, are in the nature of commercial purposes and specific permission has to be obtained from the right owner. A perusal of Sections 2(dd), 2(ff), 37(1), 37(3) and 52(1)(k) would unequivocally reveal that commercial entities such as Hotels, require authorization and/or license from the right owners under the provisions of the Copyright Act, 1957. This is one of the many indicators that the Law treats commercial and domestic utilization differently and different considerations ought to apply in relation to domestic and commercial utilization of proprietary material like Television content.

One must not lose sight of the fact that commercial establishments like Hotels, Restaurants, Malls, Etc, operate in complete forbearance. The prices charged by commercial establishments are solely dictated by market forces without any regulatory intervention.

For the sake of reiterating IBF's stand, any establishment which may include any premises other than domestic homes, places such as universities, hostels, colleges, top private hospitals, hotels, airports, lounges, guest houses, state bhawans, banks or any other establishment which uses television signals other than home viewing could be termed as 'commercial subscribers'. TV viewing here may or may not be incidental but the definition of commercial establishments must be enhanced to bring all such establishments under the ambit of commercial establishments instead of looking at the micro-picture of only three star and above hotels, resorts or heritage properties.

Differential treatment between Ordinary and Commercial Subscribers was all along an established practice. The uses of signals by commercial establishments enhances the value to their packaged services and such establishments have the potential to pass on the burden to their own clients.

We make the point by quoting from the Judgments that the Courts have always questioned TRAI's approach to regulate channel prices for commercial subscribers. They have not however questioned TRAI when it made the differentiation between commercial and ordinary subscribers on the basis of usage. On the contrary, the courts have upheld such distinction based on 'usage'.

It may be pertinent to note that no other country in the world has any form of tariff protection for commercial subscribers.

The classification depending upon usage for TV signals primarily focuses on the fact that individual subscriber's use the signals of the Channel for their personal viewing, on the other hand, commercial subscribers use the signals of the Channels for the purposes of their clients/customers as an addition to the services provided by them for which they charge from their customers and the same is factored/in-built in the tariff charged by them to their customers. It is usually contended against the aforementioned classification that the commercial subscribers do not charge separately for the watching TV, it is present as one of the services. Various services provided by the commercial subscribers are not charged separately but a consolidated payment is taken for it.

It is an established fact that differential prices are applicable for commercial subscribers and domestic subscribers with regard to property tax, water, electricity, cooking gas charges etc. Municipal regulations across the country determine the taxes based on the 'user' and accordingly

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different prices are charged for residential and commercial purposes. The same applies to electricity and water charges which are termed as 'essential services' though 'television' is not.

The ordinary subscriber of television services is one who uses the signals for his personal use at his residence whereas a commercial establishment has a very different clientele and uses the services as part of the amenities provided by these establishments for which they duly charge their client.

A subscriber who wants to enjoy five star amenities will have to pay extra amount than an ordinary person staying in an ordinary hotel or place. One cannot assume that just because there is no separate/visible charges for services rendered that do not imply that the services are not being used commercially. In such a case, it is an established economic fact that all such charges like water, electricity and other services like television are all bundled up with other charges by the commercial establishments.

The argument which may arise that commercial establishments do not charge higher tariffs from their customers on account of providing specifically television services can be termed erroneous and without any rationale. If that is the case, commercial establishments would not promote television services as one of the amenities/feature in their rooms.

Further, the commercial subscribers have sufficient bargaining power hence no need for sub categorization arises. Moreover, commercial subscribers carry out their commerce for either a fee that is specific for such viewing or as a part of overall services rendered against a fee or as a means of indirect or direct incentive to its clients/visitors/viewers. The idea of sub- categorization of commercial subscribers is also not feasible and may result in impairing disputes and triggering aggravated perceptions of discrimination among those included within the category as opposed to those who have not been so included.

**3. Is there a need to review the existing tariff framework (both at wholesale and retail levels) to cater for commercial subscribers for TV services provided through addressable systems and non-addressable systems?**

**4. Is there is a need to have a different tariff framework for commercial subscribers (both at wholesale and retail levels)? In case the answer to this question is in the positive, what should be the suggested tariff framework for commercial subscribers (both at wholesale and retail levels)? Please provide the rationale and justification with your reply.**

The response to Point 3 and 4 is combined.

The Indian Pay TV industry as of today has grown manifold and is one of the most competitive and diverse pay TV markets in the world with thousands of MSOs and cable operators, private operating DTH systems, IPTV offerings, HITs offerings, mobile television etc. The cable and satellite TV industry operates in a highly competitive marketplace where there is furious competition among the channels and various TV delivery systems for eyeballs and consumer rupees. The ever-increasing competition has led to high growth of subscribers and has put pressure on tariffs, which have seen a sharp drop over the years. From 2004, when broadcasting and cable services came under the purview of TRAI, to 2015 when TRAI has released this consultation paper market dynamics have changed significantly, with the advent of addressable digitalization. What is required at this point is that TRAI takes note of the dramatic transformation in the Pay-TV industry over the past few years and determine whether continued regulation of tariff is even warranted with respect to any category of subscribers' especially commercial subscribers.

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As on date there is active competition at all levels of the Pay TV industry to discourage perverse pricing. TRAI is cognized of the fact that there is now effective competition at all levels in the Industry, signifying that the Indian Pay-TV industry is ready for ***forbearance***. Even a study of the International markets will go on to show that the Regulators take a lenient view thereby ensuring active competition in the market and leave decisions like wholesale rates, packaging choice to market players. It is submitted that the wholesale Non DAS ceiling currently applicable to analogue platforms, and used as reference point for addressable systems, should be withdrawn, leaving tariffs to be determined by market forces.

TRAI should adopt forbearance when it comes to pricing as there is enough competition in the market and therefore there is no reason to put a cap on pricing of channels. The present debate over Tariff Fixation emanates from the fact as to whether there is any need to define and differentiate between domestic subscribers and commercial subscribers for the purpose of supply of TV signals. The need to define and differentiate between domestic subscribers and commercial subscribers arises from the fact that both the subscribers have a totally different nature of usage and for this very reason the same have been defined as separate categories of subscribers in the previous regulations.

In fact, the situation in the last 5 years has become more favourable for market forces to regulate pricing at all levels. There are now more than 800 television channels and even the number of commercial subscribers has risen exponentially. We submit that the presence of a plethora of players in the market clearly indicate that there exists enough and adequate competition in the market and no monopolistic practices or unfair trade practices can be practiced in such a scenario.

Similarly, the commercial subscribers, in the present market conditions, are possessed with sufficient bargaining power. Moreover, any commercial subscribers, by no standard of measures, may be considered to be disadvantaged section of the society meriting any special regulatory or government concession.

Thus there should be total forbearance vis-à-vis commercial subscribers. The Courts have recognised the Authority's power to regulate through forbearance and also adopt different approach qua different subscribers. We therefore ask the regulator to completely deregulate the pricing piece in so far as commercial subscribers are concerned. There is no reason whatsoever for broadcasters to be subjected to a regulated pricing regime vis-à-vis commercial subscribers or even otherwise. The Broadcasters being subjected to tariff restrictions alone while leaving free the other players, does not impart a level playing field particularly when commercial establishments have sufficient bargaining powers to protect themselves, and, importantly, no regulation exists vis-à-vis commercial subscriber with regard to their own pricing.

The TRAI had in an earlier consultation process identified television viewing as an "esteem" need rather than an "essential" need in terms of Maslow's Need Hierarchy Theory. Accordingly any attempt to regulate channel pricing vis-à-vis commercial subscribers or even otherwise, would tantamount to regulating just for the sake of regulating. Accordingly for non-essential services ie services of the nature of amenities it needs to be appreciated that free contract pricing should be the norm.

Thus by equating ordinary subscribers with commercial subscribers, TRAI is asking pay broadcasters to effectively not only subsidise ordinary subscribers but also to subsidise the businesses of commercial subscribers.

**5. Is the present framework adequate to ensure transparency and accountability in the value chain to effectively minimise disputes and conflicts among stakeholders?**

**6. In case you perceive the present framework to be inadequate, what should be the practical and implementable mechanism so as to ensure transparency and accountability in the value chain?**

We are commenting on both the aforesaid questions and providing a single response as follows:

TRAI as on date needs to appreciate that there is enough competition in the market and more so the commercial subscribers / establishment already have enough bargaining power. It is to be appreciated by the Hon'ble Authority that the Broadcasters continue to be over regulated by the existing Tariff orders and other regulations like price ceilings, advertisement caps etc. That we find it pertinent to get to the kind attention of the Regulator that any water tight approach followed by the Regulator with respect to the Tariff for commercial subscribers, will only lead to failure in achieving the desired results and which will slow down the overall growth of the broadcasting industry. We therefore take this opportunity to point out the Regulator's own observations over the past few years which have not been considered while issuing this Consultation Paper.

1. In 2004 pursuant to the Tariff Order dated October 1, 2004, TRAI's own position on price regulation was that "the regulation of prices as outlined above is only intended to be a **temporary measure** and till such time there is no effective competition. The best regulation of price is done through competition. Therefore, as soon as there is evidence that effective competition exists in a particular area price regulation will be withdrawn."
2. TRAI has itself observed and noted in its various studies that the international regulatory practices in the broadcasting and distribution industry are guided by market conditions to ensure that there is effective competition and that the supply and demand forces act freely and prices are automatically aligned to the value attached by the consumer for particular products and services.
3. It has always been the stand of TRAI that price control is only an interim measure and will be withdrawn once there is effective competition. However it can be seen for past sometime now that despite there being effective competition the Regulation at the whole sale level has become even more stringent.
4. That TRAI has all along observed and noted that the strongest advocacy for forbearance has been from the broadcasters, and the major arguments in support thereof are:
  - (i) Price regulation impedes the introduction of quality content, investment flows and impact the revenue and bottom lines of the broadcasters;
  - (ii) There is adequate competition at the level of content and now even at the delivery platform level specifically with reference to commercial subscribers;
  - (iii) TV channels and content are matters of intellectual property, and not an essential commodity requiring control;
  - (iv) Even if a decision is taken to control tariff, there has to be some criterion for determining sufficiency of level of competition and sunset date for lifting of control.

Thus it is not out of place to mention here that just because a particular state of affairs was allowed to continue for a period of time does not render such state of affairs sacrosanct or inviolable. The commercial subscribers are being at all times guided by profit motive; charge exorbitant rates from the hotel guests however when it comes to the pay outs to the broadcasters the commercial subscribers are not willing to pass on the legitimate dues to the Broadcasters.

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The broadcasters are at the receiving end because not only do they have to pay huge amounts to produce and procure content for running their channels, but they also are being driven at losing out on their subscription revenue owing to such stringent Regulation and Tariff orders. The Consultation paper purports to continue with tariff regulation and further resorts to laying down the manner of pricing of packaging, instead of declaring areas of forbearance and this is least to say not a proper discharge of functioning of Statutory Duty. That we are in disagreement with the proposal of ceiling of tariffs at wholesale level in totality as the same will lead to distortion of the market, create imbalances, confusion and merely create a scenario tilted in favor of the Platform owners and Commercial subscribers. In fact TRAI has not had an occasion to examine the room rates being charges by the Hotels or even those being charged by Hospitals or the prices of membership fees for clubs and other commercial establishment or even the pricing of goods or services made available by commercial establishments such as restaurants, bars, gymnasium etc. It is pertinent to note that there is no ceiling and the same is not even remotely proportionate to the pay out to the Broadcasters and it is pertinent to note that the very basis of equating an ordinary cable subscriber with a commercial subscriber is not justified.

**We feel that the business has continued for the last more than 10 years under total forbearance vis-à-vis commercial subscribers and the market should not be distorted by over regulation. Thus total forbearance for commercial subscribers would be adequate.**

### **7. Is there a need to enable engagement of broadcasters in the determination of retail tariffs for commercial subscribers on a case-to-case basis?**

The broadcasters should be allowed to directly negotiate with the commercial subscribers and once the negotiations are settled and agreements are in place, the broadcaster shall identify the distributor platform operator (DPO) who will supply the signals to the commercial subscriber. The Agreements can be both in the form of Reference Interconnect Offer as can be left to mutual negotiations between the parties. We are strongly advocating forbearance at all stages for the reason that commercial subscriber are not ordinary subscriber, who earn to run the family and the basic necessity of their own but are the organization/ companies / factories /hotels etc., who maintains profit and loss account books. Commercial subscribers are one who is to do business and provide their services to customers (third person). No commercial subscriber should be allowed to benefit of any tariff order for residential / domestic subscribers. The prices for commercial subscribers should not be regulated and left on market forces. TV Channels are non-essential services from a Constitutional point of view. Accordingly for non- essential services it needs to be appreciated that free contract pricing should be the norm rather than an exception.

DPOs may be allowed to serve Commercial subscribers only consequent to approvals to this effect from the broadcaster concerned, which approval shall ensue once an agreement between the broadcaster and the commercial subscriber has been formalized. The broadcaster may at their discretion enter into commercial understandings with operators for servicing such commercial establishments.

**Total forbearance for Commercial Subscribers is thus the only option. There is no necessity for the Authority to now set the clock back by prescribing otherwise as that will result in uncertainty and will unsettle business practices that have evolved and settled over time resulting in unnecessary erosion of investor confidence.**

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In case of request by any commercial subscriber for change in the DPO, the Commercial Subscriber should be asked to obtain a No-Dues Certificate from the earlier DPO or have documentary proof that there is no outstanding dues. Before availing of signals, Commercial Subscriber should also satisfy itself that the concerned DPO is duly authorized. It should also be mandated that all the Commercial Subscribers need to sign the agreement with the Broadcasters or Broadcasters & operators within stipulated timelines. There should a minimum locking period between the commercial subscribers and the DPO duly authorized by the broadcasters unless advised or instructed otherwise. Further Commercial Subscriber should also satisfy itself that the new operator is duly authorised by the broadcaster and it should be no defence to claim ignorance. Commercial Subscribers should demand from LCOs/MSOs a written undertaking that they have the necessary authorisation to distribute signals of the channels to the Commercial Subscribers in the defined area of operation.

The Hon'ble Regulator will appreciate the fact that the contracts between parties are mutually negotiated and in the event there arises any dispute the Hon'ble TDSAT has been constituted to look into resolution of the disputes and in fact there are compliances to be undertaken by the Broadcasters in terms of Annual filing of their entire commercial data.

**The Commercial Subscribers catered to by the DPOs should be given a separate customer identification number (different from that of ordinary subscribers) by such DPO and shall be easily verifiable.**

Further the monthly SMS reports submitted by operators to broadcasters should report ordinary and Commercial Subscribers separately. While subscriber numbers may be reported for Ordinary Subscribers, full particulars of all Commercial Subscribers that are receiving signals, those that were activated during the month and those that were deactivated during the month should be clearly disclosed.

DPOs should also form separate packages that specifically cater to Commercial Subscribers, unlike today's practice wherein only one set of packages are floated for all consumers regardless of such consumers being ordinary or commercial. DPOs should ensure that no Commercial Subscriber avails packages meant for ordinary subscribers. For this it should have a mandatory KYC policy that identifies subscribers into ordinary and commercial. Also the packages should factor in the rates published by broadcasters in their respective rate cards and any discounts at the retail end will be the DPO's responsibility. Operators should report to broadcasters the package wise uptake/subscriber base.

It would be the responsibility of the Commercial Subscriber to ensure distribution of TV signals in digital and encrypted form within its commercial establishment. Also it should be clearly provided that the Commercial Subscriber, unlike DPO, cannot re-transmit the TV signals to any other subscriber.

**8. How can it be ensured that TV signal feed is not misused for commercial purposes wherein the signal has been provided for non-commercial purpose?**

When a clear distinction between domestic and commercial subscriber is done and the DPOs abide by the same in the letter and spirit, the onus is on the DPOs to ensure the same and take rectification measures. Further, the broadcasters can suo motto on having knowledge of any such misuse of the signals take remedial measures by asking the DPOs to switch off signals of the concerned subscribers and also initiate legal proceedings wherever necessary for unauthorized

usage of the signals and infringement of copyrights. This would also be of deterrent in nature thereby limiting misuse of signals.

**9. Any other suggestion which you feel is relevant in this matter. Please provide your comments with full justification.**

Under the Indian legal system, all broadcasters are bound by the terms of the Uplinking and /or Downlinking licenses issued to them by the MIB and the policy guidelines laid down by the MIB and modified from time to time in addition to the other specific laws to which they are subject. **The Regulator cannot regulate such arrangements in a manner which impinges directly on the fundamental rights of Broadcasters on “Freedom to carry out Trade or Business” in terms of Article 19 of the Constitution.** The time has perhaps come to ask the question whether continued existence of the current Regulatory Regime and the continuous limitation of role of the Broadcasters by TRAI is justified. Or one ought to look beyond existing Regulatory formulations. It is submitted that regulatory strictures curb the growth of the market.

**Pay TV channels are non-essential, discretionary services primarily intended for entertainment.** Any methodology or principle used for unnecessary control is likely to result in a misallocation of resources and lead to market distortions. The broadcaster incurs huge expenditure in the development and procurement of the content. The broadcasting industry itself is very dynamic in nature. In order to have a clear financial visibility and budget support, the broadcaster needs to have an element of stability in revenue stream and projections.

**Any proposed Regulation of Tariff will have the effect of reducing the ability of Broadcasters to fund development of both new types of content and new infrastructure and at the same time will constrain investment in content, and force the Broadcasters to continue to focus only on mass-market, advertising-supported content, severely limiting the number and type of content channels available to consumers.** In the long run, consumer choice will become the victim of the proposed Regulation. In the event the Tariff to be charged for commercial subscribers are not left to forbearance it will result in abnormal profits/revenue share in the hands of commercial subscribers and Platform Operators in terms of higher profit margins derived by them at the cost and expenses of the Broadcaster.

Commercial Subscribers would broadly include persons who in their ordinary course of business or affairs permit the viewing of Pay Television by their employees, customers, clients, members, patients, guests or visitors within the premises of their place of business or where they carry out their affairs from, either for a fee that is specific for such viewing or as part of overall services rendered against a fee/tariff or as a means of direct or indirect incentive to its employees, customers, clients, members, patients, guests or visitors. In such a scenario it is submitted that there ought to be total forbearance both in tariffs as well as interconnection when it comes to dealing with commercial subscribers, as they cannot by any stretch of imagination be considered to be a disadvantaged section of society meriting any special regulatory or government care. Moreover there should not be any distinction among Commercial subscribers.

**No larger public interest shall be served by Regulating the Tariff for commercial subscribers. It will not only not serve any public purpose but shall ultimately violate the fundamental rights of the Broadcasters as provided under Articles 14, 19 and 21 of the Constitution of India.** Thus in the light of the above, it becomes imperative on the part of the authority to recognize the fact that putting a ceiling on Tariff will not help in promoting and protecting the interest of the consumers and the service providers, as mandated by the Preamble to the Telecom Regulatory Authority of India Act

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1997. It is pertinent that the arrangements between Broadcasters and Commercial Subscribers should be kept outside the purview of Regulations otherwise, it shall be resulting in the breakdown of the business model of the industry, trigger conflicts of interests, blur dividing lines between Distributors and Broadcasters, and lead to unhealthy competition between broadcasters on the one hand and distributors on the other hand.

To conclude it is pertinent to state that TRAI should take into account the fact that in effect, any over regulation at every level on the Broadcasters will only go on to crippling the broadcasting industry. It is pertinent to mention here that it is the Broadcasters who take the entire credit risk and all other liabilities pertaining to the distribution of the channels. In the event the Tariff's to be charged for commercial subscribers are regulated in effect it will ensure that there is no level playing field. The mission of TRAI is to create and nurture an environment which will enable the quick growth of the telecommunication sector in the country. One of the major objectives of TRAI is to protect the interest of the Service providers. Also the Hon'ble Regulator has not provided any justification as to how the grant of forbearance will affect the Commercial Subscribers who have a sufficient level playing field. That the Hon'ble Authority should take into account the changed market dynamics and the inflation in costs being faced by the Broadcasters, as on date and therefore consider the submissions of the Broadcasters and leave the Tariff's to be charged from commercial subscribers to forbearance.

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