

Date : 14/07/2014

From  
S.T. Balamurugan,  
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To  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan,  
Jawaharlal Nehru Marg,  
New Delhi – 110002.

Sub.: Comments on consultation paper No.07/2014.

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Sirs,

I would like to submit my personal comments (as furnished as attachment file) on consultation paper No.07/2014 (Regulatory Framework for Platform Services) as a customer. The comments/suggestion may be considered & implemented by the Authority/MIB in the interest of customers.

Thanking You,

Yours faithfully,

(S.T. Balamurugan)

Encl.: As above.

**Annexure/Attachment****Comments on Consultation Paper 07/2014**

Issues for consultation	Comments/Suggestion
<p>1. Do you agree with the following definition for Platform Services (PS)? If not, please suggest an alternative definition:</p> <p><i>“Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers and does not include Doordarshan channels and TV channels permitted under down linking guidelines.”</i></p>	<p>NO.</p> <p>“Platform services (PS) are programmes/any electronic media transmitted by Distribution Platform Operators (DPOs) to their subscribers which may be of information/advertisement /entertainment etc.”</p>
<p>2. Kindly provide comments on the following aspects related to programs to be permitted on PS channels:</p> <p>1. PS channels cannot transmit/ include</p> <p>2.1.1 Any news and/or current affairs programs,</p> <p>2.1.2 Coverage of political events of any nature,</p> <p>2.1.3 Any program that is/ has been transmitted by any Doordarshan channels or TV channels permitted under up linking/ down linking guidelines, including serials and reality shows,</p> <p>2.1.4 International, National and State level sport events/ tournament/ games like IPL, Ranji trophy, etc.</p> <p>2. PS channels can transmit/ include</p> <p>2.2.1 Movie/ Video on demand</p> <p>2.2.2 Interactive games,</p> <p>2.2.3 Coverage of local cultural events and festivals, traffic, weather, educational/ academic programs (such as coaching classes), information regarding examinations, results, admissions, career counselling, availability of employment opportunities, job placement.</p> <p>2.2.4 Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration.</p>	<p>Restriction of transmission of Doordarshan/AIR channels &amp; channels already approved for down linking as PS channels in the Platform will be against the fundamental rights of the Constitution viz., right to equality, right to freedom of speech and expression and right to practice any profession/carry out any occupation, trade or business.</p> <p>Hence DPO may have the rights to transmit any kind electronic media as PS subject to compliance of regulations/acts/code/convention without any violation of copy right provisions.</p>

<p>2.2.5 Information pertaining to sporting events excluding live coverage.</p> <p>2.2.6 Live coverage of sporting events of local nature i.e. sport events played by district level (or below) teams and where no broadcasting rights are required.</p>	
<p>3. What should be periodicity of review to ensure that the PS is not trespassing into the domain of regular TV broadcasters?</p>	<p>There shall be no such restriction.</p> <p>Such restriction will be against the fundamental rights of the Constitution viz., right to equality, right to freedom of speech and expression and right to practice any profession/carry out any occupation trade or business.</p>
<p>4. Should it be mandatory for all DPOs to be registered as Companies under the Companies Act to be allowed to operate PS? If not, how to ensure uniform legal status for all DPOs?</p>	<p>All DPOs except local cable operators must be registered under Companies Act. However all DPO including cable operators shall be registered with MIB through online registration facility and licence shall be issued by MIB. The DPO which has been licensed by MIB shall transmit PS Channels and each PS Channel shall be registered and licensed by MIB through online process.</p>
<p>5. Views, if any, on FDI limits?</p>	<p>If the DPO has total FDI within 26%, the DPO may be permitted to transmit any kind of PS channels including News &amp; Current Affairs channels/programmes. If the DPO has total FDI above 26%, the DPO may be permitted to transmit any kind of PS channels/programmes excluding News &amp; Current Affairs channels/programmes.</p>
<p>6. Should there be any minimum net-worth requirement for offering PS channels? If yes, then what should it be?</p>	<p>This may be decided by TRAI/MIB.</p>
<p>7. Do you agree that PS channels should also be subjected to same security clearances/ conditions, as applicable for private satellite TV channels?</p>	<p>YES</p>

8. For the PS channels to be registered with MIB through an online process, what should be the period of validity of registration and annual fee per channel?	Five years. Annual fee may be decided by TRAI/MIB.
9. What is your proposal for renewal of permission?	The license will be renewed automatically in case the DPO has complied with all regulations/Act/Code /Convention and has not been served with any notice for any violation by any authority subject to payment of annual fees in advance.
10. Should there be any limits in terms of geographical area for PS channels? If yes what should be these limits.	There shall be no restriction in terms of geographical area for PS channels. The citizens have every right to know about news or developments of his area even if he is away from his area and there is no point of such restriction when it is technically possible. Citizens have the fundamental right to move freely throughout the territory of India.
11. Should there be a limit on the number of PS channels which can be operated by a DPO? If yes, then what should be the limit?	There shall be no restriction in number of channels. However each PS has to be registered with MIB.
12. Do you have any comments on the following obligations/ restrictions on DPOs:	
<p>12.1. Non-transferability of registration for PS without prior approval of MIB;</p> <p>12.2. Prohibition from interconnecting with other distribution networks for re-transmission of PS i.e. cannot share or allow the re-transmission of the PS channel to another DPO; and</p> <p>12.3. Compliance with the Programme &amp; Advertisement Code and TRAI's Regulations pertaining to QoS and complaint redressal.</p>	<p>12.1. Registration of PS shall not be transferred without prior approval of MIB.</p> <p>12.2. There shall be no such restriction provided the PS Channel does not violate any copy right provisions.</p> <p>12.3. The PS Channels shall be in Compliance with the regulations/acts/Programme &amp; Advertisement Code/local convention etc. and TRAI's Regulations pertaining to QoS and complaint redressal.</p>
13. What other obligations/ restrictions need to be imposed on DPOs for offering PS?	DPO shall be responsible for the content of PS channel and penal action may be initiated against the DPO in case of any violation in the PS Channel.

14. Should DPO be permitted to re-transmit already permitted and operational FM radio channels under suitable arrangement with FM operator? If yes, then should there be any restrictions including on the number of FM radio channels that may be re-transmitted by a DPO?	Yes. There shall be no such restriction. DPO may have the right to include any FTA TV/AIR channel in the platform as PS channel. DPO may be permitted to have other Pay TV/Copy righted content as PS with the agreement of content copy right holder.
15. Please suggest the mechanism for monitoring of PS channel.	PS channels shall be monitored by local level monitoring committees constituted by MIB and the DPO shall preserve the content of PS Channels for a period of 6 months for any verification/audit.
16. Do you agree that similar penal provisions as imposed on TV Broadcasters for violation of the terms and conditions of their permissions may also be imposed on PS? If not, please suggest alternative provisions.	YES
17. What amendments and additional terms & conditions are required in the existing registration/ guidelines/ permission/ license agreements w.r.t. DPOs for regulating the PS channels?	The DPO shall deposit some amount as decided by MIB/TRAI for its own registration and additional deposits amount may be paid for each PS Channel. In case of any violation, the security deposit for DPO as well as PS Channel will be forfeited. Authorities shall have the right to seize the equipments to stop functioning of DPO as well as PS channel in case of any violation.
18. What should be the time limit that should be granted to DPOs for registration of the existing PS channels and bring them in conformity with the proposed regulatory framework once it is notified by MIB?	Six months.
19. Stakeholders may also provide their comments on any other issue relevant to the present consultation including any changes required in the existing regulatory framework.	TRAI must be appreciated for suggesting digitalisation cable services which facilitates transparency in the sector and revenue growth to the Government. TRAI/MIB may move forward for complete digitalisation of B&CS sector to plug in any loophole and for optimum utilization of precious bandwidth/spectrum.