

Dated: 6th May, 2013

DIRECTION

Subject: Direction to M/s _____ under section 13, read with sub-clauses (ii), (iii), (iv) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) for implementation of Digital Addressable Cable TV Systems (DAS).

No.6-4/2013-B&CS--- Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority] established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services, lay-down the standards of quality of service to be provided by the service providers and to ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39,---

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,---

has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority, in exercise of powers conferred by section 36, read with sub clauses (ii), (iii), (iv) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, made the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012 (No. 9 of 2012) (herein after referred to as the regulations);

4. And whereas sub-regulation (7) of regulation 5 of the regulations provides that no broadcaster of pay channels shall make available signals of TV channels to any multi system operator without entering into a written interconnection agreement;

5. And whereas sub-regulation (17) of regulation 5 of the regulations provides that It shall be mandatory for the multi system operator to reduce the terms and conditions of the interconnection agreements into writing;

6. And whereas meetings were held with multi system operators, in the office of the Telecom Regulatory Authority of India, on the 22nd March 2013, the 2nd April 2013, the 12th April 2013 and the 18th April 2013 on issues relating to implementation of 2nd phase of implementation of Digital Addressable Cable TV systems wherein the multi system operators were asked to expedite the signing of interconnection agreements and submission of the information of the same to the Authority;

7. And whereas the Authority, vide its letter dated the 5th April, 2013, directed M/s_____ to ensure that, as envisaged in the regulations, the requisite written interconnection agreements for Digital Addressable Cable TV Systems are in place and details of the same are submitted to the Authority latest by the 15th April 2013.

8. And whereas the sub-regulation (1) of regulation 9 of the regulations provides that every multi system operator shall submit to the Authority information, in the proforma specified in Schedule-III of the regulations, all interconnect agreements entered into by it with the broadcaster and local cable operator and subsequent modifications made therein;

9. And whereas the sub-regulation (3) of regulation 9 of the regulations provides that every multi system operator commencing its services after the notifications of these regulations shall submit to Authority its interconnection agreement within thirty days of entering into the agreement or 31st July, 2012 whichever is later;

10. Now, therefore, in exercise of the powers conferred upon it under section 13, read with sub-clauses (ii), (iii), (iv) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) and the provisions of the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012, the Authority hereby directs M/s. _____ to reduce in writing the terms and conditions of its interconnection agreements with other service providers wherever it is providing cable TV services through Digital Addressable Systems and furnish within seven days from the date of issue of this Direction, the names of the service provider with whom the interconnection agreement has been entered into along with the service area covered and the validity period of the said agreement.

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To
All Multi System Operators providing cable TV services through Digital Addressable Systems.