



NSTPL/ TRAI/ CP/AUG/2014

Dated: 12th September, 2014

Mr. Sunil Kumar Singhal,
Advisor (B&CS)
Telecom Regulatory Authority of India,
Jawaharlal Nehru Marg, Old Minto Road,
New Delhi - 110002

Subject: NSTPL's Comments on Consultation Paper on draft amendment to QoS regulation for Digital Addressable Cable TV Systems (DAS).

Dear Sir,

We have perused the aforesaid Consultation Paper issued by the TRAI and have duly considered the issues that have been raised therein. We thank the Authority for affording us an opportunity to submit our response thereto.

At the outset, we are pleased to inform you that we at NSTPL are having a Headend in the Sky (HITS) License as well as a provisional MSO registration, operating as Multi System Operator (MSO) in notified areas of Digital Addressable Cable TV Systems (DAS). We are proactively working on expanding our network on PAN India basis.

Our comments on the draft amendment proposed by the Hon'ble Authority to the QoS Regulations for DAS systems are attached herewith.

We once again thank the Hon'ble Authority to provide us an opportunity to submit our views/ comments on the issues and hope that our suggestions would be keep in mind while finalizing the amendment in the QoS regulations.

Encl: As Above

For Noida Software Technology Park Limited

Devinder Singh
Authorized Signatory
Head- Corporate Affairs, Legal & Regulatory

Noida Software Technology Park Limited

NSTPL's Comments on Consultation Paper on Amendment to the Quality of Service Regulations for DAS systems

1. We accept the explanation to sub-regulation 14.1 proposed by the Authority.
2. **Sub-regulation 2 of regulation 15-**
We agree with the substitution of word 'cable operator' in place of 'multi system operator'.

3. On the **draft sub-regulation 5 of regulation 15**, we state that

It is the responsibility of a local cable operator (LCO) to issue a proper payment receipt to the subscriber and enter the details of the payment receipt in the subscriber management system (SMS). Most of the LCOs are not well versed and find it difficult to enter the details, due to lack of understanding of computer systems, within prescribed limit. Further, the time limit of 3 days proposed by the Authority is not enough for a LCO to collect the payment from the subscriber and enter it in the SMS. Hence, we request the Authority that keeping this in mind, 3 days time limit for entering the details of receipt should not be the part of the regulation.

4. **Consequences for contravention of the provisions of regulation 15 or 16**

We appreciate the Authority's focus on improving basic quality of services to protect the interest of consumers. However, the operators are facing difficulty in phase III and IV of Digitization. The LCOs and consumers of these phases are not aware about the digitization on ground and are not accepting the increase in the cost due to STB and digital content. Also, the people involved in this industry are not well versed with the computer system which is likely to be a hurdle in smooth implementation of DAS and the issue will aggravate by levying financial disincentive on non compliance of the regulations. Before implementing any financial disincentives, the Authority should create awareness amongst the LCOs and the consumers about the digitalization and the advantages of having digital cable. This move will make the LCOs and their associated consumers aware about the regulations and its timely compliance. If the Authority feels that the penalties should be imposed, then it should have the light touch on the penalties. It should not be more than ₹ 1 or 2 for the first contravention and ₹ 5 after subsequent each contravention for the same subscriber as the aim would be effective implementation of digitization. This would create awareness amongst the LCOs to ensure implementation of digitization. Once they become aware of such type of financial penalties, then the Authority, if think so, can revise the amount after a period, as per the market condition at that time.

5. On the first proviso of regulation 16A,

If as per the written agreement between LCO and MSO/ HITS/ IPTV operator, the liability of issuing the receipt to the subscriber lies with LCOs, then only LCO ought to be penalized for non-compliance of the regulations. There is no role of MSO in non-compliance of the regulation. Hence, we urge that this clause should be accordingly rephrased.

6. On the sub regulation 2 of regulation 16A

The said sub-regulation states that

“Every multi-system operator shall, on request from the subscriber, change his payment plan from pre-paid to post- paid or from post-paid to pre-paid, without any extra charge”.

We once again appreciate the Authority’s wish to strongly focus on providing the flexibility of DAS services to consumers. As the Authority knows very well, DAS is getting progressively implemented in the country and the operators are putting in great efforts to make it smooth and convenient switch over the from analog systems. We feel that the Authority should continue with light touch regulation without penalties presently. Further, the operators of phase I and phase II of DAS implementation have got the experience with the completion of deadline of time. To give a fair time limit to phase-III and IV operators for implementing the DAS systems, we request the Authority that the said imposition of financial disincentive, for non-compliance of the above mentioned regulation, should not be imposed till the completion of DAS implementation throughout the country. After the complete switchover, the Authority, if it feels so, can impose the financial disincentives after taking into account the operating condition of that time.

7. On the sub regulation 3 of regulation 16A

We accept the draft sub-regulation proposed by the Authority.