

Summary of Consultation Issues

2.1 Definition of Commercial Subscribers

1. Do you agree with the definitions of „commercial establishment“, „shop“ and „commercial subscriber“, given below?

“Commercial Subscriber” means any person, other than a multi system operator or a cable operator, who receives broadcasting service at a place indicated by him to a broadcaster or a cable operator or direct to home operator or multi system operator or head end in the sky operator or a service provider offering Internet Protocol television service , as the case may be, and uses such signals for the benefit of his clients, customers, members or any other class or group of persons having access to its commercial establishment;”

“Commercial Establishment” means any premises wherein any trade, business or profession or any work in connection with, or incidental or ancillary thereto is carried on and includes a society registered under the Societies Registration Act, 1860 (21 of 1860), and charitable or other trust, whether registered or not, which carries on any business, trade or profession or work in connection with, or incidental or ancillary thereto, journalistic and printing establishments, educational, healthcare or other institutions run for private gain, theatres, cinemas, restaurants, eating houses, pubs, bars, residential hotels, malls, airport lounges, clubs or other places of public amusements or entertainment but does not include a shop or a factory registered under the Factories Act, 1948 (43 of 1948);”

"Shop" means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers, and includes an office, a store room, godown, warehouse or work place, whether in the same premises or otherwise, mainly used in connection with such trade or business but does not include a factory, a commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;” 21

2. If the answer is in the negative, alternate definitions with proper justification may be suggested.

Yes, we agree to the above definitions.

2.2 Categorisation of Commercial Subscribers

3. Do you agree that further sub-categorizing the commercial subscribers into similarly placed groups may not be the way to proceed? In case the answer is in the negative, please give details as to how the commercial subscribers can be further sub-categorised into similarly placed groups along with full justifications.

We are of the view that there is no requirement for further sub-categorizing the commercial subscriber. The prime test for commercial subscriber is "uses of signals for the benefit of his clients, customers, members or any other class or group of persons having access to its commercial establishment". Further subdivision/sub-categorization will lead to complicity and in establishing claims with facts and figures.

2.3 Manner of Offering to the Commercial Subscribers

4. Which of the models, discussed in para 1.27, should be prescribed for distribution of TV signals to the commercial subscribers? Please elaborate your response with justifications. Stakeholders may also suggest any other model with justifications.

The model iii in para 1.27 should be prescribed for distribution of TV signals to the commercial subscribers. The whole objective of any service is satisfaction and transparency with the end user (commercial subscriber here). They should have options to deal directly with Broadcasters or DPOs. Both Broadcasters and DPOs shall have their declared tariff which can be negotiated and finalized.

2.4 Tariff for Commercial Subscribers

There can be following four alternatives:

- (i) The tariff for commercial subscribers is same as that for ordinary subscribers.
- (ii) The tariff for commercial subscribers has a linkage with tariff for ordinary subscribers.
- (iii) The tariff for commercial subscribers has no linkage with the tariff for ordinary subscribers but there are some protective measures prescribed to protect all the stakeholders.
- (iv) The tariff for commercial subscribers is kept under total forbearance.

5. In your view which of the 4 alternatives mentioned above, should be followed? Please elaborate your response with justifications.

The 3rd alternative should be followed. The tariff for commercial subscribers should not be linked with the tariff for ordinary subscribers. The Broadcaster should be free to have its commercial pricing and options for negotiation to close any deal. However the maximum tariff needs to be disclosed in RIO. The Authority can have control in deciding principles for pricing on *à la carte* basis or on bouquet basis.

6. In case your answer is „alternative (ii)" mentioned above, please give full details with justifications of as to what should be the tariff ceiling/ dispensation for each category/ group of commercial subscribers.

NA

7. If in your view, none of the 4 alternatives mentioned above are to be followed, stakeholders may also suggest any other alternative with justifications.

NA