TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,

PART III, SECTION 4

THE STANDARDS OF QUALITY OF SERVICE (BROADCASTING AND CABLE SERVICES) (CABLE TELEVISION – NON-CAS AREAS) REGULATIONS, 2009 (NO. 01 OF 2009)

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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 24th February, 2009

F. No. 16-3/2009-B&CS.-- In exercise of the powers conferred by section 36, read with sub-clauses (i) 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,-----

(a) issued, in exercise of the powers conferred upon the Central Government under clause (d) of sub-section (1) of section 11 and proviso to clause (k) of sub-section (1) of section 2 of the said Act, and

(b) published under notification No. S.O. 44(E) and 45(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4,

the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.---- (i) These regulations may be called the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television – Non-CAS Areas) Regulations, 2009.

(ii) These regulations shall apply to cable television services throughout the territory of India except States, cities, towns and areas notified, from time to time, by the Central Government under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

(iii) They shall come into force on the 1st day of April, 2009.

2. Definitions.----- In these regulations, unless the context otherwise requires,-

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) "addressable system" means an electronic device or more than one electronic devices put in an integrated system through which signals of television channels can be sent in encrypted or unencrypted form, which can be decoded by the device or devices at the premises of the subscriber within limits of the authorisation made, on the choice and request of such subscriber, by the service provider to the subscriber;

(c) "authorised officer" shall have the same meaning as given in clause (a) of section 2 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995);

(d) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(e) "broadcaster" means any person including an individual, group of persons, body corporate, firm or any organisation or body, who, or, which, is providing programming services and includes his authorised distribution agencies;

(f) "cable operator" means any person who provides cable service through a cable television network or otherwise controls or is responsible for the management and operation of a cable television network ;

(g) "cable service" means the transmission by cables of programmes including retransmission by cables of any broadcast television signals;

(h) "cable subscriber" means a subscriber who receives the signals of a cable service;

(i) "cable television network" means any system consisting of a set of closed

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transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

(j) "CAS Area" means the States, cities, towns or areas, where, in terms of a notification issued under sub-section (1) of section 4A of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995), it is obligatory for every multi system operator or cable operator to transmit or retransmit programmes of any pay channel through an addressable system and the expression "Non-CAS Area" shall be construed accordingly;

(k) "commercial subscriber" means any subscriber who receives a programming service at a place indicated by him to a service provider and uses signals of such service for the benefit of his clients, customers, members or any other class or group of persons having access to such place;

(l) "**digital decoder**" means the device which is connected to, or part of a television set, which converts digital signals into analog signals and allows a subscriber to receive unencrypted and descrambled digital cable television signals for viewing on conventional analog television sets;

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(m) "distributor of TV channels" means any person including an individual, group of persons, public or body corporate, firm or any organisation or body re-transmitting TV channels through electromagnetic waves through cable or through space intended to be received by general public directly or indirectly and such person may include, but is not limited to, a cable operator, direct to home operator, multi system operator, head ends in the sky operator and a service provider offering Internet Protocol television service;

(n) "free to air channel" or **"FTA channel"** means a channel for which no fees is to be paid to the broadcaster for its retransmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly;

(o) "**Internet Protocol television service**" means delivery of multi channel television programmes in addressable mode by using Internet Protocol over a closed network of one or more service providers;

(p) "multi system operator(MSO)" means a cable operator who receives a programming service from a broadcaster or his authorised agencies and retransmits the

same or transmits his own programming service for simultaneous reception either by multiple subscribers directly or through one or more cable operators, and includes his authorised distribution agencies by whatever name called;

(q) "ordinary subscriber" means any subscriber who receives a programming service from a service provider and uses the same for his domestic purposes;

(r) "pay channel" means a channel for which fees is to be paid to the broadcaster by the person receiving the signals from the broadcaster, for its re-transmission through electromagnetic waves through cable or through space intended to be received by the general public either directly or indirectly;

(s) "programme" means any television broadcast and includes-

(i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players;

(ii) any audio or visual or audio-visual live performance or presentation,

and the expression "programming service" shall be construed accordingly;

(t) "regulations" means the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television – Non-CAS Areas) Regulations, 2009;

(u) "service provider" means the Government as a service provider and includes a licensee as well as any broadcaster, multi system operator(MSO), cable operator or distributor of TV channels;

(v) "set top box" means a device, -

(a)which is connected to, or is part of a television; and

(b) which allows a subscriber to receive in unencrypted and descrambled form subscribed pay channels through an addressable system;

(w) "subscriber" means a person who receives the signals of a service provider at a place indicated to the service provider by him without further transmitting it to any other person and includes ordinary subscribers and commercial subscribers unless specifically excluded;

(x) all other words and expressions used in these regulations but not defined, and

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defined in the Act or the Cable Television Networks (Regulation) Act,1995 and the rules, orders and other regulations made thereunder, shall have the meanings respectively assigned to them in those Acts or the rules, orders or other regulations, as the case may be.

CHAPTER II
CONNECTION, DISCONNECTION AND RECONNECTION OF CABLE SERVICES IN NON-CAS AREAS

3. Procedure for cable service connection, disconnection or shifting.--- (1) Any person seeking connection, disconnection, reconnection or shifting of cable service connection may make an application in duplicate to the cable operator or multi system operator, as the case may be, in such format as may be specified by such cable operator or multi system operator, as the case may be, and such application shall be provided to such person by the cable operator or multi system operator, as the case may be.

(2) Adoption of a common format specified by a multi system operator or its affiliate for a group of cable operators under it, as the case may be, by any cable operator shall be construed as compliance of the requirement under sub-regulation (1) .

(3) Every subscriber whose application has been accepted by a cable operator or multi system operator, as the case may be, shall be given a unique identification number by such cable operator or multi system operator.

4. Contents of application formats.------ (1) The formats of applications devised under sub-regulation (1) of regulation 3 shall comply with the following requirements, namely:-

(a) the applications shall be serially numbered;

(b) the application shall indicate, inter alia, ---

(i) the name, address, telephone numbers, mobile numbers, fax numbers, e-mail address, if any, of the cable operator or the multi system operator, as the case may be;

(ii) in the case of a cable operator, the name, address, telephone numbers, mobile numbers, fax numbers, e-mail address, if any, of the multi system operator associated with such cable operator;

(iii) the name of at least one contact person of such cable operator or multi system operator, as the case may be;

(iv) the details contained in the Registration Certificate obtained under sub-section (3) of section 4 of the Cable Television Networks (Regulation) Act, 1995 (7 of 1995) such as date of certificate, the date of expiry of Registration Certificate as well as any approval given by the Government of India;

(v) details of programming services offered, indicating number of Free to Air and Pay channels available; and

(vi) the charges for such programming services;

(vii) options with respect to provision of digital decoders or set top boxes in case the cable operator or multi system operator, as the case may be, is providing digital cable television service and the charges for such digital cable television service.

(2) There shall be two copies of each application of which one shall be returned to the applicant, duly acknowledged as having been received, by the cable operator or multi system operator, as the case may be.

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5. Provision of cable service to every person subject to technical and operational feasibility. -----Every cable operator shall provide the cable services to every person making request for the same, subject to technical and operational feasibility.

6. Response and time limit for providing connection. ----- ---- (1) Every application from an applicant, duly signed and complete in all respects for subscribing to the cable service to be provided at a place located within the area of operation of the cable operator or multi system operator, as the case may be, shall be responded to by the cable operator or the multi system operator, as the case may be, indicating the deficiencies or shortcomings, if any, in the application and the expected date of connection of cable service.

(2) In case the cable operator finds that it is possible to provide connection, there being no technical or operational non-feasibility of providing the cable service, the connection for cable service shall be provided within seven days of the receipt of such application from the subscriber.

7. Communication of technical or operational non-feasibility. ---- In case it is not

technically or operationally feasible to provide cable services at the location where the services are requested by the applicant, the applicant shall be informed by the cable operator or the multi system operator, as the case may be, within seven days from the date of receipt of the application, indicating the reasons as to why it is technically or operationally not feasible to provide services.

8. Discontinuing cable service to subscriber only after prior notice.----- (1) Save as otherwise provided in these regulations, no cable operator shall discontinue its cable service to its subscriber without giving prior notice of at least fifteen days to such subscriber, indicating the reasons for such disconnection.

Explanation: The period of fifteen days for the purpose of this sub-regulation shall be reckoned from the date of receipt of the notice for disconnection by the subscriber.

(2) In case cable service is required to be interrupted for the purpose of facilitating preventive maintenance, the subscribers shall be given a prior notice indicating therein the expected date of resumption of service and the cable operator or the multi system operator, as the case may be, may choose its own method of providing prior notice of possible interruption of service to its subscribers.

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CHAPTER III
BILLING PROCEDURE AND BILLING RELATED COMPLAINTS FOR CABLE SERVICES

9. Provision of bills and receipts to subscribers. ---- (1) Every cable operator or the multi system operator, as the case may be, shall give to every subscriber the bill for the charges due and payable by such subscriber for each month, or for such other period as agreed between the parties, for which such charges become payable by the subscriber.

(2) Every bill, as referred to in sub-regulation (1), shall indicate the telephone numbers of the helpdesk of the cable operator or the multi system operator, as the case may be, as applicable.

(3) Every bill, as referred to in sub-regulation (1) shall contain all relevant details relating to the cable service provided to the subscriber including the total number of pay and free

to air channels provided by the cable operator or the multi system operator, as the case may be, the charges levied (excluding taxes), the nature and rates of taxes levied and amount thereof.

(4) Every cable operator or multi system operator, as the case may be, shall acknowledge each payment made to it by the subscriber by issuing a signed receipt, indicating therein the period and the purpose for which the payment has been received by it and other relevant details.

Explanation: It shall be open to a cable operator or multi system operator, as the case may be, to issue a common bill-cum-receipt complying with all the provisions of this regulation.

10. Requirements of billing system. ---- The billing system of the cable operator or multi system operator, as the case may be, shall be such that the following benchmarks are met, namely:-

(i) any complaint relating to billing shall be redressed within seven days of receipt of such complaint from the subscriber;

(ii) refunds, if any, shall be made to the subscriber within thirty days following the resolution of the complaint or before the next billing cycle, whichever is earlier.

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CHAPTER IV
COMPLAINT HANDLING AND REDRESSAL

11. Establishment of help desk. ----- Every cable operator or multi system operator, as the case may be, shall establish a help desk for the purposes of receiving cable service requests, answering queries, receiving complaints and redressal of grievances of its subscribers, and such help desk shall be accessible to its subscribers for a minimum period of twelve hours beginning at 8.00 A.M. till 8.00 P.M. on each day during all days in a week and the same shall be accessible through telephone numbers informed to the subscribers.

12. Handling of complaints, etc. ------ Every cable operator or multi system operator, as the case may be, shall ensure that the help desk established by it under regulation 11,

immediately on receipt of a request or query or complaint, as the case may be, from its subscriber relating to cable service, registers such request or query or complaint of its subscriber by allotting a unique identification number to be called the docket number and inform the same to the subscriber.

(2) Every cable operator or multi system operator, as the case may be, shall -----

(a) maintain records of all complaints filed by the subscribers with it indicating therein the name and address of complainant, date and time of filing of the complaint, the nature of complaint with the docket number assigned to it, date and time of redressal of the complaint with the written confirmation from the subscriber that the complaint has been redressed;

(b) keep such records with it till the expiry of a period of at least three months from the date of resolution of the complaint;

(c) present such records whenever called upon by the Authority or the authorized officer as defined under the Cable Television Networks (Regulation) Act, 1995 (7 of 1995).

13. Provision of power back-up. ----- A cable operator or the multi system operator, as the case may be, shall take all necessary steps for provision of back up power supply for at least six hours in order to minimize the incidence of service interruption due to power failure.

14. Carrying of photo identification and proper behaviour by representatives of the cable operators and multi system operators. -----Every cable operator or multi system operator, as the case may be, shall ensure that its representatives carry proper photo identification while visiting the premises of subscribers and are polite in their behaviour with the subscribers.

CHAPTER V

ADDITIONAL STANDARDS OF QUALITY OF SERVICE RELATING TO DIGITAL DECODER AND SET TOP BOX FOR DIGITAL CABLE SERVICE (WITH OR WITHOUT CONDITIONAL ACCESS) IN NON-CAS AREAS

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15. In case a cable operator or a multi-system operator, as the case may be, in a non-CAS area is providing digital cable television service (with or without conditional access system) in such non-CAS area, such cable operator or the multi system operator, as the case may be, shall:

(a) make available to its subscribers information regarding the names, contact addresses and telephone numbers of persons from whom digital decoders or set top boxes, which are compliant with the standards set by Bureau of Indian Standards (BIS), can be purchased on outright basis or obtained on rent or hire-purchase;

(b) publicise the salient features of various schemes available for outright purchase, rent or hire-purchase of decoders or set top boxes from it in addition to the scheme as regards pricing, hire-purchase or renting of decoder or set top boxes, if any, prescribed by the Authority for non-CAS areas.

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16. Arrangements for repairs or replacement of decoder or set top box supplied by the cable operator or multi system operator. ------ In cases where there is a malfunction of a decoder or set top box supplied by a cable operator or multi system operator, as the case may be, on rent or hire-purchase basis to a subscriber, then such cable operator or multi system operator shall arrange for its repair or replacement as the case may be, within twenty-four hours of receipt of the complaint of malfunctioning of such decoder or set top box, without any charge:

Provided that such cable operator or multi system operator shall not be liable for such repair or replacement where the decoder or the set top box has been found tampered with by the subscriber.

CHAPTER VI

DISCONTINUANCE OF CHANNELS FROM THE CABLE TELEVISION NETWORK

17. Notice to subscribers before taking off channels from cable television network. --- No channel shall be taken off or discontinued from the cable television network by a

cable operator or multi system operator, as the case may be, without giving prior notice of at least three weeks to the subscribers along with the reasons for taking it off or discontinuing it and the cable operator or multi system operator, as the case may be, shall give such notice in an appropriate manner to its subscribers.

CHAPTER VII

TECHNICAL STANDARDS AS TO QUALITY OF SIGNALS

18. (1) Every cable operator or multi system operator, as the case may be, shall maintain such technical standards of signals in its entire cable television network as may, from time to time, be published by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986) for cable television networks.

(2) Without prejudice to the foregoing provisions, all cable operators and multi system operators shall, in their networks, also ensure compliance with BIS Standard IS – 13420, Part I (Revised), or any other standard as may, from time to time, be specified by the Bureau of Indian Standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986) relating to system performance in cable television networks and shall further ensure quality of signals at the end of the cable subscriber's premises fulfilling the following minimum requirements, namely:-

(i) *C/N > 44 dB*
(ii) *Minimum Carrier level 60 dB(μV)*
(iii) *Maximum Carrier level 80 dB(μV)*
(iv) *Slope < 12 dB*
(v) *X-Mod > 57 dB*
(vi) *CSO > 57 dB ;*

Provided that, as and when the Bureau of Indian Standards specifies any other technical standards in accordance with the provisions of the Bureau of Indian Standards Act, 1986 (63 of 1986) as to the quality of signals at the end of the subscriber's premises in cable television networks, the minimum requirements as to quality of signals at the end of the subscriber's premises as specified in this sub-regulation shall no longer be applicable.

Explanation. - For the purpose of this sub-regulation, --

(i) "C/N" means Carrier to Noise ratio;

(ii) "CSO" means Composite Second Order Interference;

(iii) "X-Mod" means cross modulation; and

(iv) "Slope" is caused by 'SKIN EFFECT', wherein signal attenuation increases with frequency of the channel.

CHAPTER VIII
MONITORING OF PERFORMANCE OF QUALITY OF SERVICE STANDARDS

19. The Authority may, from time to time, issue directions or orders requiring service providers in non-CAS areas to furnish information in such form and at such intervals as may be required for the purpose of monitoring the performance of quality of service standards.

20. The Authority may, by order or direction issued from time to time, intervene for the purpose of protecting the interests of the cable subscribers or for ensuring compliance of the provisions of these regulations.

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CHAPTER IX
MISCELLANEOUS

21. The provisions of these regulations shall be in addition to, and not in derogation of, any other law for the time being in force.

22. The provisions of these regulations are in addition to any right conferred upon the cable subscribers under the Consumer Protection Act, 1986 (68 of 1986) or any other law for the time being in force.

23. Any cable subscriber may, at any time,--

(a) during pendency of redressal of his grievance under these regulations; or

(b) before filing of complaint under these regulations,

exercise his right conferred upon him under the Consumer Protection Act, 1986 (68 of 1986) or the Telecom Regulatory Authority of India Act, 1997, or any other law for the time being in force and seek redressal of his grievance under that Act or law as the case

may be.

24. The provisions of these Regulations shall also be enforceable by any person to whom the Authority may, by a general or special order, delegate powers for that purpose under the relevant provisions of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997).

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Note:-- The Explanatory Memorandum annexed to these regulations explains the objects and reasons of the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television – Non-CAS Areas) Regulations, 2009.

Annexure

EXPLANATORY MEMORANDUM

A. Background

1. There has been an exponential growth in the Indian Cable TV industry in the past two decades. From just 410,000 Cable TV homes in early 1992, the number of Cable TV homes has increased to 85 millions by the end of December 2008, being served by an estimated 60,000 cable operators. During this period, the number of permitted television channels has increased to about 400 channels.
2. As per section 11(1)(b)(v) of the Telecom Regulatory Authority of India Act, 1997 as amended, TRAI is required to discharge the following function:

   "(v) lay-down the standards of quality of service to be provided by the service providers and 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 services."

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3. Soon after broadcasting and cable services came under purview of TRAI in January 2004, the Authority in its recommendations on "Issues Relating to Broadcasting and Distribution of TV Channels" dated October 01, 2004, had discussed the Quality of Service (QoS) codes and guidelines for the cable TV industry in India. At that time, the Authority had felt that the quality of service regulations may be issued only when the enforcement mechanism is in place.
4. Subsequently, in a writ petition filed by a group of MSOs, a Single Judge Bench of the Hon'ble High Court of Delhi, on 10th March 2006, directed that the Conditional Access System (CAS) be implemented within a period of 4 weeks. In an appeal filed by Union of India against this direction, a Division Bench of the Hon'ble High Court of Delhi had on 20th July 2006, directed implementation of CAS in notified areas of Delhi, Mumbai and Kolkata by 31st December 2006. Therefore, before roll out of CAS in parts of Delhi, Mumbai and Kolkata on December 31, 2006, the Authority had issued quality of service regulations for cable services only in CAS areas on August 23, 2006. At the time of issuance of this Regulation for CAS areas, it was indicated that the

Authority would address the quality of service regulations for direct to home (DTH) and for Non-CAS areas separately at an appropriate time. Subsequently, the Authority had also issued Quality of Service Regulations on August 31, 2007 for DTH services.

5. The Cable TV transmission in the country is predominantly analogue and limited to transmission of TV channels in a bundled manner. The value added services are rarely available on cable television network in India. With the gradual introduction of CAS, DTH, HITS, IPTV, etc., the digital delivery, which has a qualitative edge over analogue mode of delivery at the subscriber end, is becoming a reality. Because of emerging competition from digital delivery platforms, some of the cable operators in non-CAS areas have started digital transmission with/without conditional access system over their cable TV networks voluntarily for having transparent operation.
6. Gradually, the expectations of the viewers on the quality of service front have increased even in non-CAS analogue network areas over past few years. The Authority has also got valuable experience after having issued QoS Regulations for CAS areas, where the number of subscribers is much less, and for DTH. In view of emerging competitive environment in delivery chain, and to ensure quality service in non-CAS areas, the Authority has decided to empower the consumers by creating certain rights for them (and casting corresponding obligations on cable TV operators) with suitable enforcement mechanism for quality of service standards to be observed by service providers in non-CAS areas.

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B. Recent Initiative taken by the Authority

7. The Authority is well aware that the presence for effective enforcement machinery at ground level is critical for the success of any quality of service regulation for cable TV services. Therefore, the Authority has initiated an exercise for empowering the state government machinery for effective enforcement of quality of service regulation by delegating power of the Authority under TRAI Act. The Authority had written to the State Governments for involving the district administration for enforcement of QoS Regulations at the grass root level on October 21, 2008. The Ministry of Information & Broadcasting had also been addressed on October 21, 2008 for enlarging the scope of

State level and District level monitoring committees, so that these committees may also monitor implementation of QoS regulations.

8. Sub-section (4) of Section 11 of the TRAI Act, 1997 requires the Authority to ensure transparency while exercising its powers and discharging its functions. Therefore, the Authority had discussed various aspects of quality of service issues of cable TV services in non-CAS areas in the consultation paper titled "Quality of Service issues for Cable TV Services in Non-CAS areas and for DTH Services" issued on December 01, 2008, and had invited comments of the stakeholders on the issue of quality of services of such services.

C. Issues raised for consultation

9. The main issues raised in the consultation paper were as under-

1. Please offer your comments on the areas and parameters of Quality of Service which need to be covered in such regulations (refer para 2.16)? Please offer comments whether QoS parameters should also be made applicable to voluntary CAS networks in non-CAS areas. If yes, then please indicate what should these parameters be.

2. In particular, comments and suggestions are invited for effective and transparent monitoring and implementation of proper billing, to protect consumers' interests.

3. There is an expectation that the State Governments and the Ministry of Information & Broadcasting will extend necessary cooperation in the effective implementation of QoS Regulations. Can you suggest any other supplemental measures for further strengthening the implementation of QOS Regulations?

4. Please offer your view on any other issues which will make the Regulations more complete and effective.

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10. Various parameters listed in para 2.16 of the consultation paper were as follows-

(i) Proper procedures and timelines for connections, disconnections, transfer of cable services

(ii) Proper procedure for billing and effective mechanism for handling technical and billing related complaints

(iii) Procedure for overall complaint handling and redressal by the service provider

(iv) Timeline and the procedure for services relating to provision of digital decoders and STBs in non-CAS areas, wherever service providers are providing digital services

(v) Procedure for informing the subscribers about change of channels alongwith their channel position

(vi) Mechanism of rebates in cases of interruption of service

(vii) Technical standards to be observed by the service providers

(viii) Effective monitoring of Quality of Service standards

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11. The consultation paper was placed on TRAI's website (www.trai.gov.in) on the same day and comments of the stakeholders on the subject were initially invited by December 31, 2008. The date was further extended to January 10, 2009 keeping in view the requests of the stakeholders, and also for wider participation of stakeholders in the consultation process. Responses were received from 27 stakeholders/representatives. These responses were posted on TRAI's website on January 19, 2009. An open house discussion was then held on February 06, 2009 in Kolkata with representatives of stakeholders to further deliberate on various issues raised in the consultation paper.

D. Analysis of the responses received during the consultation process –

12. The responses received during the consultation process have been examined and analysed in detail in the background stated above. While comments received from all the stakeholders have been considered, it is important to state here that in issues relating to quality of service, the cable operators and subscribers are the only directly

affected parties. Other stakeholders like broadcasters, DTH operators etc. are not directly affected by the quality of service (QoS) standards laid down for non-CAS cable TV services. The paragraphs hereunder briefly cover the issue-wise comments received from various stakeholders and set out the basis and rationale for the Standards of Quality of Service (Broadcasting and Cable Services) (Cable Television – Non-CAS Areas) Regulations, 2009.

E. Parameters for QoS Regulation

13. Almost all the stakeholders are in favor of having technical and non-technical standards in the quality of service regulations. Some stakeholders have mentioned that the regulation should ensure proper signals form MSO to LCO.
14. Some of the stakeholders are of the view that the parameters laid down for cable services in CAS areas should be made applicable for cable services in non-CAS areas also. Some others have suggested that only broad provision of CAS quality of service regulation should be made applicable in non-CAS areas. However, the stipulation for provision of set-top boxes should be made applicable for voluntary CAS system in non-CAS areas. Some service providers have reservations with regard to the issue of rebates in case of interruption of service. They are of the view that since the billing across delivery chain is mainly in lump sum based on the negotiated subscriber base, therefore a discount to the subscriber is not practical.
15. Regarding timelines for connection, discussions, transfer of cable services, the stakeholders are of the view that application form details should be similar to CAS quality of service regulations. The stakeholders, particularly consumers, are in favour of having complaint handling mechanism, and some operators are of the view that provisions made for CAS notified areas can be made applicable in respect of the digital service in non-CAS areas.
16. A few stakeholders have mentioned that in the present scenario, the quality of service parameters/regulations can be laid down only in respect of digital cable TV services. One of the multi system operators has mentioned that at present in certain cities, the multi system operators are providing services through digital mode on voluntary

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basis to the subscribers in non-addressable manner. Only benefit derived by the subscribers from these digital services is that they get better picture quality and more number of channels on cable TV networks.

17. There is no difference of opinion about having procedure for billing and effective mechanism for handling complaints by the cable operators in non-CAS areas. A DTH operator is of the opinion that the provisions regarding billing and mechanism for handling complaints as stipulated in DTH QoS regulation should be made applicable for cable TV industry in non-CAS area. Regarding complaint handling mechanism, some of the stakeholders are of the view that in case of digital service the MSO should maintain 24 x 7 call centres. Similarly, cable operators should also have a provision for receiving the consumer complaints. One of the stakeholders has suggested to exempt cable operators in the village with population of less than 5000 from QoS requirements.
18. Regarding timelines and procedures for services relating to digital decoders and STBs in non-CAS areas, some of the stakeholders are of the opinion that since some of the networks in non-CAS areas have started digital services and are competing with other addressable systems like DTH, there should be level playing field and DTH QoS regulations should be adopted for such digital decoders and STBs for the cable TV network in non-CAS areas also.
19. Regarding procedure for informing the subscriber about change of channel, some of the consumers have advocated to have proper system for informing the subscribers. The broadcasters are of the opinion that channel positioning should not be normally changed by the delivery platforms. One of the DTH operator is of the opinion that the cable operator should inform the subscriber alteast six weeks in advance about change of channels alongwith their channel position. One of the MSOs has stated that the issue is relevant only in case of analogue cable transmission and not in digital delivery.
20. With regard to the issue of technical standards to be observed by the distribution chain, majority of the stakeholders are of the opinion that the delivery chain should match the technical standards set by BIS for cable TV networks. One of the MSOs

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distributing the channels through digital deliveries has suggested to put in place the standards of the signals to be made available at the subscriber end by the cable operators as laid down in BIS standards IS-13420. A simplified distribution chain to be developed by the broadcasters was also highlighted by some of the stakeholders for ensuring better quality service from the broadcaster.

F. Applicability for Voluntary CAS

21. Regarding applicability of QoS parameters to voluntary CAS networks in non-CAS areas, mixed responses were received from the stakeholders. Some of the stakeholders have indicated that CAS QoS regulations should be made applicable for voluntary CAS in non-CAS areas. The others favoured a common QoS regulation for voluntary CAS operations and conventional analogue operation in non-CAS areas. One of the stakeholders has also raised the issue of defining voluntary CAS. In his view, at present in certain cities the MSOs are providing cable services through digital mode on voluntary basis to the subscribers and though these digital services are not yet addressable. Thus in respect of voluntary CAS, the stipulation of CAS QoS regulation would be of no use unless full fledged addressability is made mandatory.

G. Monitoring/implementation mechanism

22. Regarding effective and transparent monitoring of QoS standards some of the stakeholders want consumer awareness to be created through seminars, advertising campaigns etc. Some have suggested monitoring by authorised officers and others have suggested post office or authorities responsible for renewal of registration. Some of the service providers are of the opinion that issuance of bill etc. are sufficient measures for effective implementation of the regulation.
23. Majority of stakeholders have accepted the proposal of involvement of state governments. However, some of the stakeholders have stated that only TRAI should monitor the implementation of QoS regulations. Some of the stakeholders have indicated that self-certification/self-regulation by the service provider will suffice in

addition to involvement of State Governments. They are of the opinion that the service provider should submit this certification annually to the registering authority or authorized officer or even to the TRAI. Some of the stakeholders have indicated that MSO may nominate nodal officers for grievances of the subscribers.

H. Miscellaneous issues

24. Many stakeholders who are a part of the delivery chain have raised the issue of right of way for cable TV network. Majority of MSOs have also reiterated their demand for extension of CAS for remaining part of three metros and 55 other cities as recommended in 2007. Some of the stakeholders are of the opinion that broadcasters should also come under the purview of QoS regime. Some others have raised the issue of involving consumer groups/RWA for effective implementation of QoS regulations.
25. Some of the stakeholders have raised the issue of enforcement of the QoS regulation. One stakeholder was of the view that any initiative to introduce and implement the quality of service regulations/parameters in this highly fragmented sector has to be properly backed by an effective monitoring and compliance mechanism.

I. Rationale

26. The QoS regulations for cable TV service in non-CAS areas are being laid down to protect the interests of the consumers and to keep pace with the emerging competitive situation among different service providers. The regulations have been formulated considering the fact that the cable television industry in the country has not been subjected to any prescription for quality of service standards for over a decade and half of its development.
27. There are no known industry standards or commonly followed business practices which can be adopted as a model for such a large fragmented cable TV networks. The Authority during the course of implementation of its Quality of Service Regulations for CAS areas and for DTH services has experienced that the end consumers will have to be provided with a mechanism to seek relief and safeguard their interests on a

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number of issues relating to quality of service aspects.

28. The introduction of digitalization and addressability in the sector is inevitable in times to come due to competition. The Authority, time and again, has made recommendations on this issue to Government of India. The QoS regulations now being issued are formulated keeping in mind the compatibility factor with the QoS regulation for cable services in CAS areas, so that the service providers in non-CAS areas can easily migrate their systems whenever CAS is mandated in their area of operation.

29. On the other hand, the factors that the last mile is highly fragmented and a large number of the operators may not have the financial and technical resources, and would need time to adjust to the new dispensations on quality of service front, has also been kept in view, while formulating these quality of service regulations. Though it would be desirable to have similar QoS regulations for CAS and non-CAS cable services as far as possible, the Authority is also conscious of the fact that these regulations should not hamper the growth of voluntarily digitalization and adoption of addressability by the cable operators or MSOs in non-CAS areas. The objective is to have orderly growth with more and more digitalization and addressability in the cable TV networks in non-CAS areas.

30. The regulations for quality of services in CAS areas issued on August 23, 2006 lay down the procedure for connection, disconnection, transfer and shifting of cable service in CAS areas within certain specified time limits. However, the Authority felt that such a stringent requirement is not necessary in cable service in highly fragmented non-CAS areas. Therefore, the details in the application form and other obligations of the cable operators have been simplified in current regulations.

31. Although the Authority by the eighth amendment tariff order dated 04.10.2007 has earlier incorporated certain aspects of billing among other provisions, but since this amendment order has been set aside by Hon'ble TDSAT on certain other grounds, these provisions relating to billing are also not applicable for the time being. However the issue of amended order is under judicial scrutiny before Hon'ble Supreme Court. The current QoS regulations imposed simplified billing procedure for cable service in

non-CAS areas for transparent operation. This should also help in minimizing the problem of correct determination of subscriber base.

32. As against round-the-clock call centre/help desk by MSOs in CAS Areas and for DTH services, the dispensation for 12 Hrs in day time on all days of week has been made in these regulations to start with for this highly fragmented cable TV operations in non-CAS areas. A simplified procedure for handling complaints has also been adopted in current regulations. These provisions would go a long way in improving consumer satisfaction.

33. Regarding rebate to the subscriber for temporary disconnection of service at the request of subscriber, the Authority felt it appropriate, in view of comments of the stakeholders, not to specify any specific rebate but left it to the operators for possible rebates. This is because the payments made by cable operators to MSOs or to broadcasters in analogue network is based on a subscriber base negotiated annually, and there is no possibility of such temporary disconnections being netted out once the overall subscriber base is negotiated.

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34. Since some operators in non-CAS areas have started digital operations with or without addressability in cable services in non-CAS areas on voluntary basis, the Authority has specified certain limited obligations with respect to provision of digital decoders and set top boxes in non-CAS areas to protect consumers, and for orderly growth of the sector.

35. Some stakeholders have suggested that proper technical standards of the signals at the interface between different players in delivery chain should be specified. The Authority has taken a note of their concerns regarding quality signals to the consumers. However, the Authority is also well aware that there are different network topology adopted by MSOs and LCOs across the country. The Authority at this stage felt that it would be sufficient if mandatory provision of technical quality of service standards at the subscriber end by the cable operators is specified. The Authority expects the MSOs to provide necessary signal strength to enable the cable operators to meet these provisions. They are collectively required to match the technical standards set by the Bureau of Indian Standards IS – 13420, Part I (Revised) for cable television

networks, or any other standard laid down by BIS from time to time relating to system performance in their networks and ensure delivery of proper signal at subscriber premises.

36. These QoS Regulations for non-CAS areas also mandate that representatives of cable operators and MSOs should carry proper identification alongwith photograph on line with QoS regulation for cable service in CAS areas and for DTH services.
37. Some other related issues have also been raised by the stakeholders regarding right of way (ROW), and extension of CAS in other parts of the country. The Authority is already seized of these issues, and has made recommendations to the Government in the past regarding extension of CAS. The Ministry of Information & Broadcasting has also set up a Committee to examine right of way issue.
38. The Authority is aware of the fact, as rightly stated by some of the stakeholders, that effective enforcement and implementation of any regulation is essential to extend benefits to the consumers. As stated earlier, TRAI had already written to the State Governments for involving the District administration for enforcement of QoS Regulations at the grass root level. Twelve State Governments have so far extended their consent for such proposal. Some are examining it, and responses from others are awaited. Keeping in view the effective implementation of these regulations, the Authority is simultaneously considering the process of delegating powers to the officials of the State Governments as per their consent. Moreover, the QoS Regulations for cable TV services will empower the individual cable TV subscribers in non-CAS areas to approach the District Consumer Redressal Forums as provided under section 14 of the TRAI Act for deficiencies in service if the QoS benchmarks are not met.
39. Though the Authority has sought enlargement of the scope of State level and District level monitoring committees from Ministry of Information & Broadcasting so that these committees may also monitor implementation of QoS regulations, Ministry of Information and Broadcasting has intimated their reservations about such enlargement of the scope, and have not agreed with the proposal of the Authority.
40. The Authority believes that effective involvement of local District administration

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under the State Governments and District Level Consumer Forums will go a long way for successful implementation of QoS Regulations in protecting the interests of the consumers at large.

41. The Authority while drawing up the regulations has made an effort to balance the interests of the consumers and address their concerns while ensuring growth of the cable TV segment. The experience gained during the implementation and enforcement of these regulations would be useful for future improvements. This may require revisiting some of the standards of QoS benchmarks, and to further strengthen the enforcement mechanism.

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