

Dated: 27.05.2014

DIRECTION

Subject: Direction to M/s_____ under section 13, 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 and regulation 24 of the Standards of Quality of Service (Digital Addressable Cable TV Systems) Regulations, 2012(12 of 2012)

No. 06/04/2013-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, (hereinafter referred to as TRAI Act, 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 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, 1997 and

(b) published under notification number S.O.44(E) dated the 9th January, 2004, in the Gazette of India, Extraordinary, Part II, Section 3,----- sub-section (ii)-----

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

3. And whereas the Authority, 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 TRAI Act, 1997, read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, made the Standards of Quality of Service (Digital Addressable Cable T.V. Systems) Regulations, 2012 (No. 12 of 2012) dated the 14th May, 2012 (herein after referred to as the regulations);

4. And whereas regulation 15 of the regulations, inter-alia, reads as under:-

“15. Providing usage details in respect of Post-paid service.—(1) Every multi-system operator either directly or through its linked local cable operator, as the case may be, shall give to every subscriber the bill for 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.”

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“(5) The multi-system operator or its linked local cable operator, as the case may be, shall issue a proper receipt for every payment made by the subscriber.”;

5. And whereas regulation 24 of the regulations provides that the Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the subscribers or monitoring or performance of Quality of service standards of the MSO or its linked local cable operator or for ensuring compliance of the provisions of these regulations and reads as under:-

“24. Intervention by Authority in certain cases.--- The Authority may, by order or direction, from time to time, intervene, for the purpose of protecting the interest of the subscribers or monitoring or performance of Quality of service standards of the multi-system operator or its linked local cable operator or for ensuring compliance of the provisions of these regulations.”;

6. And whereas, in exercise of the power conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of TRAI Act, 1997 and regulation 14, 15, 16 and 25 of the regulations, the Authority issued a Direction No 16-2/2012 B&CS dated the 2nd December, 2013, directing the multi system operators to:-

- (a) offer cable TV services to its subscribers on both pre-paid and post-paid payment options and generate bills for subscriber;
- (b) give to every subscriber the bill, on regular basis, for charges due and payable for each month or for any other agreed period and the bill for the period ending the 30th November, 2013 shall be given to the subscriber latest by the 15th December, 2013, as per the billing cycle agreed between the parties;
- (c) provide itemized bill to the subscriber clearly indicating the price of channels or bouquet of channels along with the name of channels in the bouquet, charges for basic

tier and channels comprised therein, charges for set-top-box, charges for value added service, the details of taxes along with the rate of taxes and Service Tax registration number and Entertainment Tax registration number;

- (d) ensure that a proper receipt is given to the subscriber by it or its linked local cable operator for every payment made by the subscriber;
- (e) provide to the pre-paid subscriber, at a reasonable cost, the information relating to the itemized usage charge showing actual usage of service; and
- (f) submit compliance report by the 31st December 2013 for the areas of the National Capital Territory of Delhi, Municipal Council of Greater Mumbai and Kolkata Metropolitan area;

7. And whereas to inspect the compliance of the provisions of the regulations and the direction, referred to in the preceding para, the Authority constituted a joint team consisting of the representatives of the Authority and Broadcast Engineers Consultant India Ltd, a public sector unit of Ministry of Information and Broadcasting, to inspect and audit the head-end and the subscriber management system of the multi-system operator providing cable TV services in the National Capital Territory of Delhi;

8. And whereas the Authority also held meetings with the representatives of the local linked cable operators and the multi-system operators on the 16th April and 17th April, 2014;

9. And whereas during the inspection, referred to in para 7 above and the meetings, referred to in the preceding para, the Authority noted non-compliance of the provisions of the regulations by the service providers;

10. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, 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) and regulation 24 of the Standards of Quality of Service (Digital Addressable Cable T.V. Systems) Regulation, 2012 (No. 12 of 2012) hereby directs all the multi-system operators, providing cable TV services through Digital Addressable Cable TV Systems, to:-

- (i) ensure the delivery of bill to each subscriber by hand or post or email, as may be opted by the subscriber;

- (ii) provide, within forty five days from the date of issue of this direction, on-line payment option in its subscribers management system for payment of bill by the subscriber;
- (iii) ensure, within thirty days from the date of issue of this direction, that an electronic acknowledgement is sent to the subscriber, on his registered mobile number or the e-mail address, immediately on his making any payment to the service provider.

Explanation: The representative of MSO or its linked LCO, as the case may be, who collects the payment from the subscriber shall forward the details of the subscriber and the payment made, in front of subscriber itself, through his mobile phone to the Subscriber Management System (hereinafter referred to as the SMS). The SMS on receipt of this information, shall send an automatic acknowledgement of the payment received, to the subscriber either on his registered mobile number or his email address.

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To,

All MSOs registered for providing cable TV services through DAS.