



November 22, 2024

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Sub: **Response to TRAI Consultation Paper on “Regulatory framework for Ground-based Broadcasters”**

Dear Sir,

Kindly find attached herewith response to TRAI Consultation Paper on “Regulatory framework for Ground-based Broadcasters” dated 18.10.2024.

Kind regards,
For **AA+ Consultants**

Praveen Sharma
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AA Plus Consultants response to TRAI Consultation Paper on “Regulatory Framework for Ground-based Broadcasters” dated 18th October, 2024

Q1. For the purpose of regulatory framework for ground-based broadcasters, do you agree with the draft definition for broadcaster, programme, Satellite-based broadcasting and Ground-based broadcasting given below? If not, please suggest alternative definitions. Please elaborate your response with full justification.

“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is providing programming services;”

“programme” means any television broadcast and includes

- i) exhibition of films, features, dramas, advertisement and serials;
- ii) News & current affairs, Non-news & current affairs, educational content
- iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed accordingly;”

“Satellite-based Broadcasting” means providing programming services using satellite-based communication medium for delivering channels to the distributors of television channels.”

“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels.”

AA Plus Consultants Response:

Following change is recommended as reproduced below:

“programme” means any ~~television~~ broadcast and includes

- i) exhibition of films, features, dramas, advertisement and serials;
- ii) News & current affairs, non-news & current affairs, educational content
- iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed accordingly;”

The suggested change is to make the definition wider.

Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.

Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.

AA Plus Consultants Response:

Yes, all non-satellite medium of broadcasting should be permitted in order to facilitate wider and cost-effective coverage for GBBs.

Q4. Whether GBBs should be permitted/authorised to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBB are considered, then should such State level GBB may be allowed to obtain separate permissions/authorisations in more than one State or there may be some ceiling on number of State-wise permissions/authorisations beyond which national level permission/authorisation must be obtained?

AA Plus Consultants Response:

Authorization should be permitted at State Level and National level separately. GBBs are expected to carry local / regional content therefore for ease of doing business, GBBs should be allowed to take permissions either at National level or permission for multiple numbers at State level. Addition of new States in the service area or migration to National Level should be easily permissible.

Q5. An SBB pays a cumulative annual permission fee of Rs. 7 lakhs (Rs. 2 lakhs for uplinking + Rs. 5 lakhs for downlinking) per channel. Whether GBB should be mandated to pay the same amount of annual fee of Rs. 7 lakh per channel? If not, what should be the annual fee for GBBs? Please provide detailed justification for your response.

AA Plus Consultants Response:

Regulatory framework for ground-based channels having National level coverage may kept at par with the framework contained in the Up-linking and Downlinking guidelines of MIB for satellite-based broadcasters for the reason of level playing field. However, for State level GBB, there is a need to compute annual permission fee on a pro-rata basis.

Q6. Provisions for teleport/teleport hub exists in the uplinking/ downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.

AA Plus Consultants Response:

No provisions are required in case of GBBs.

Q7. If a GBB is permitted to operate at State level, then what should the regulatory provisions for a GBB operating at State level which include:

- a) Processing Fee
- b) Annual Fee
- c) Net worth Requirement
- d) Performance Bank Guarantee (PBG)
- e) Other regulatory provisions

AA Plus Consultants Response:

Please see response to Q5 above.

Q8. Whether the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation may be applied mutatis mutandis to GBB? Please explicitly indicate, if any modifications are required in the said Tariff Order, Interconnection Regulation or Quality of service Regulation for GBBs.

AA Plus Consultants Response:

A more calibrated approach is required while dealing with GBBs as they are not as well placed as their SBB counterparts. An GBB with pan India Service Area however may be dealt similarly.

Q9. (a) The extant interconnection regulation provides for “Must Carry” and “Must Provide” regime. In case of GBB, whether the same regime should be made applicable?

AA Plus Consultants Response:

Only in case of GBBs with pan India license/service area.

(b) Normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the ‘Must carry’ provision is exercised by the broadcaster, therefore they should bear the cost of bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the ‘Must provide’ provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved. Do you agree with the above approach? If not, who should bear the cost in both the cases? Please provide detailed justification for your response.

AA Plus Consultants Response:

Yes, we agree with the suggested approach as it is fair to both the parties.

Q10. In case a SBB wishes to switch to terrestrial-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

AA Plus Consultants Response:

It should be same as that set out for GBBs.

Q11. In case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

AA Plus Consultants Response:

It should be same as that set out for SBBs.

Q12. In case a broadcaster (SBB/GBB) wishes to use both satellite and terrestrial transmission technology to provide their channels to the DPOs, what should be the regulatory provisions for such broadcaster(s)? Should they require separate permissions and pay additional annual permission fees, processing fees, etc. for the above scenarios? Please provide detailed justification for your response.

AA Plus Consultants Response:

In line with the recommendation of the Government to promote ease of doing business and One Nation-One License, we would like to suggest a single permission for both SBB and GBB to provide their channels to DPOs.

In our view regarding the addition of annual permission fees, processing fees, etc for the above scenario, we would like to suggest that the annual permission fees, processing fees etc for this permission should be higher than SBB/GBB permission holders as they would have to fulfil all the terms and conditions required for GBB and SBB. It would ensure that only serious players who are able to be compliant with those terms and conditions would receive such permissions.

Q13. What should be the Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’? Please provide detailed justification for your response.

AA Plus Consultants Response:

The Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis ‘Guidelines for Uplinking and downlinking of Satellite Television Channels in India, 2022 may be kept on similar terms for the GBBs that are going to apply for nationwide broadcasting permission. The regulatory framework must also exclude regulations regarding the mode of transmission, spectrum etc since they would not be applicable for Ground based broadcasters. In case of Ground Based Broadcasters seeking permission to broadcast in one state or up to 4 states, the

regulatory framework should be light touch since they are not as well placed as their SBB counterparts.

Q14. Whether the existing provisions contained in the unlinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground-based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing unlinking/downlinking guidelines 2022, then please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters.

The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground based broadcasters.

Table 1: Format for stakeholders' response on amendments required in existing uplinking/downlinking guidelines for Ground based broadcasters.

S no	Clause number of the existing uplinking/downlinking guidelines (1)	Provisions of the existing uplinking/downlinking guidelines (2)	Amendment/ additional provision(s) (Conditions and/or restrictions) suggested by the stakeholder (3)	Reasons/ full justification for the proposed amendment (4)
1				

AA Plus Consultants Response:

Please refer to our response to Q.13.