

**Date:** 1/7/2016

To,  
Mr. M .Kasim  
Advisor  
Telecom Regulatory Authority of India,  
Mahanagar Doorsanchar Bhawan,  
Jawaharlal Nehru Marg, (Old Minto Road),  
New Delhi-110002.

Dear Sir,

Subject: Response to the consultation Paper on Issues related to Quality of  
Services in Digital Addressable Systems and Consumer Protection

Please find our response on the above subject. We would be happy to discuss some of the key aspects , if desired.

Yours Faithfully,

For INDUSIND MEDIA & COMMUNICATIONS LTD.

*Subhashish Mazumdar*

Authorized Signatory



HINDUJA GROUP

**Response to TRAI's Consultation on  
Issues related to Quality of Services in Digital  
Addressable Systems and Consumer Protection**

**Q 1. What should be broad contours for QoS Regulatory framework for digital addressable systems? Please furnish your comments with justification.**

**Ans :** We propose that the regulatory framework for digital addressable system should be under a self-regulatory body of the DPOs. This is essential as will involve market requirements and analysis on a regular basis between the DPOS and its delivery channels (for MSOs & HITS) and end customers.

**Q 2. Should there be a uniform regulatory framework for Quality of service and Consumer protection across all digital addressable Platforms? Please provide your comments with justification.**

**Ans :** For MSOs and HITS, the regulatory framework of QoS and consumer protection has to involve the LCOs, as is well known that the LCO is owning the customers and continues to have full ownership right to the customer. The MSO/HITS is providing the services on a QoS basis to the level of LCOs and through their networks to the end customer. So for QoS and consumer protection, for MSO & HITS should be for the LCOs. For DTH the quality of service and consumer protection is directly to the DTH DPO.

**Q 3. Should timelines relating to various activities to get new connect be left to the DPOs to be transparently declared to the subscribers? If so, how the interest of the subscriber can be protected if the connection is not provided in given time frame?**

**Ans :** Yes, this should be considered. However, the existing regulations and market situations ensures that a new connection is always given on time to the customers.



**Q 4. What should be the time limits for various activities, as mentioned below, to get new connection? Please provide your comments with justification.**

**a) Response time for processing new service request and conveying feasibility of providing connection at the desired location**

**b) Time line for completion of CAF, installation and activation of service**

**Ans :**

a) The process of responding to a new service request and finally providing the connection at the desired location can be left at the business and technical feasibility conditions, which will be analysed by the DPO themselves. Normally, this is always done within period of 48-72 hours, no need for additional regulations on the same.

b) The time lines for full process of CAF/CRF installation and activation are based on the various issues of the LCO's response to the customer and again this is done keeping in view the competition and the market reality. We don't think there is need for regulation for exact timelines. However this is completed in 10-15 days timings at max. Same advisory can be considered.

**Q 5. Should minimum essential information to be included in the CAF be mandated through regulations to maintain basic uniformity? Give your suggestions with justification.**

**Ans :** The process of any information requirement for CAF/CRF for all DPOs should be with the same guidelines. Presently there is no regulation for DTB for filling up the CAF/CRF. The DPO should be allowed to decide what basic information of customer is required. We feel Name, Address & Phone number along with one Address Proof will be enough for Digital TV Service.

**Q 6. Should minimum font size need to be specified for CAF? If not, how can it be ensured that important information provided in CAF is given in such a manner that consumer can read them easily?**

**Ans :** No. The CAF should in such a font size that it can easily readable, we are following the same and no complaints have been received yet regarding the same.

**Q 7. Should use of e-CAF be facilitated, encouraged or mandated? Please provide your comments with justification.**

**Ans :** Yes, the use of e-CAF should be mandated. As it will reduce the cost at DPO level and also it is environmentally friendly.

**Q 8. Should the minimum essential information to be included in the MoP be mandated through regulations to maintain basic uniformity and to ensure that consumers get all relevant information about the services being subscribed?**

**Ans :** Yes.

**Q 9. What should be the minimum information to be included in MOP Give details with justification?**

**Ans :** The existing format & information available in MOP is sufficient and there is no need to change it.

**Q 10. Should it be necessary to provide printed copy of MOP to all the customers at the time of subscription to the service? If not, how it can be ensured that all required information is available to subscribers when required?**

**Ans :** No. The MOP is already available on the website of every DPO, along with the other required information.

**Q 11. Should there be an initial subscription period while providing a new connection to protect the interest of both the subscriber as well as DPOs?**

**Ans :** Yes.

**Q 12. If so, what should be the duration of such initial subscription period?**

**Ans :** The initial subscription period should be of minimum 3 months locking period.

**Q 13. What protections should be provided to subscribers and DPOs during initial subscription period? Give details with justification?**

**Ans :** The Clause 10(1)(a) is causing tremendous hardship to the MSOs, and we feel that it should be modified to the extent that, the packaging cannot be changed by the MSOs for a period of 6 months from the introduction of the package, and not from the date of enrolment of the subscriber. In some cases, where subscribers have made advanced payment, the MSO can reduce the price on proportionate basis for such subscribers.

**Q 14. What should be the framework for compensation to the subscriber for dropping of a channel due to its non-availability on the DPOs' platform?**

**Ans :** The subscription charges can be reduced on proportionate basis, if the channel is not available on the DPO's platform.

**Q 15. How should the reduction in subscription charges be calculated in case of discontinuation of channel from DPOs platform? Please provide your comments along with justification.**

**Ans :** The subscription price can be reduced by 1/3<sup>rd</sup> of the a-la-carte rate of that channel, whenever a channel, which is a part of the package becomes unavailable on the network of MSOs.

**Q 16. What should the maximum permissible time of disruption beyond which subscriber must be compensated in following cases?**

- (a) Disruption due to technical fault on the DPO network or at the subscriber's end**
- (b) Disruption due to technical fault of CPE at the subscriber's end**

**Ans :** The maximum permissible time of disruption for the following cases are as under:-

- (a) Disruption due to technical fault on the DPO network or at the subscriber's end – 24 Hours
- (b) Disruption due to technical fault of CPE at the subscriber's end – 12 Business Hours

**Q 17. What should be the duration of disruption in service warranting compensation to the consumer and how the compensation should be calculated in following cases?**

**(a) Continued Disruption due to technical fault on the DPO network at the subscriber's end beyond the pre specified time.**

**(b) Continued Disruption due to technical fault of CPE at the subscriber's end beyond the pre specified time.**

**Ans :** For both the cases, the consumer can be compensated by adjustment of the billing for the duration of the disruption which is equivalent to 10% of the billing amount. However, this compensation would not be considered, if any majeure event occurs i.e. an act of God, governmental action, war, civil insurrection, riot, act of terrorism, labour unrest or dispute, epidemics etc.

**Q 18. What should be the framework and terms and conditions for shifting of connection including timelines in respect of PAN India DPOs where provision of connection at new location is feasible?**

**Ans :** The framework and terms and conditions for shifting connections should be left out of the Regulatory Framework and be under forbearance. However, the DPOs can mention the framework and terms and conditions of shifting of connection in their MoP.

**Q 19. Is there a need to prescribe procedure for transfer of the TV connection? If so, what should the procedure, terms and conditions for transfer of services connection and timelines?**

**Ans :** If the TV connection is in the name of same Customer, we don't require any procedure. However, if the connection is transferred to different customer then the procedure should be same as for a new connection (Transfer letter from the old Customer, NOC w.r.t. payments cleared from the LCO and new CAF in the name of new customer).

**Q 20. What should be the framework to address the concerns of stakeholders (Subscribers and DPOs) relating to temporary suspension of service?**

**Ans :** We feel that the subscribers should have an option to temporarily suspend services once or twice a year max. For pre-paid customer, the request can be acted upon, as and when received by the DPO and for post-paid customer, they should give a prior notice of 1 month.

**Q 21. How issue of abrupt closure of service due to non-payment can be addressed while protecting the interest of subscribers and DPOs?**

**Ans :** On non-receipt of payment within the prescribed time limit, the MSOs disconnects the services after informing the Customer by OSD message. Nowadays, MSOs have implemented systems which lead to automatic deactivation of signals in the event of non-payment after expiry of the statutory notice period, so it is LCO's responsibility to immediately update in the system or web portal of the MSOs after receiving the payment from the subscriber.

**Q 22. Is gradual closure of service as discussed in para 8.23 is a feasible option? If so what should be procedure and the framework?**

**Ans :** No, as the liability of the MSO towards payment of Entertainment Tax & Service Tax and statutory authorities keeps on accumulating.

**Q 23. What should the procedure and timeframe to inform the subscriber regarding closure of service due to closure of business?**

**Ans :** A 21 days prior notice should be given by DPO to its subscribers. DPO can send OSD messages informing the customers regarding closure of service along with the date of closure.

**Q 24. Why uptake of mandated schemes for set top box (Outright purchase, Hire purchase, and on rent) is so low at present? How consumer awareness on these issues can be increased?**

**Ans :** The uptake for the mandated schemes for set top box (Outright purchase, Hire purchase, and on Rent) is low, as the schemes being offered by various DPOs are more cost effective and beneficial to the consumer. Also, TRAI and the MIB (Ministry of Information and Broadcasting) have already taken sufficient initiatives for consumer awareness and education on these issues.

**Q 25. What should be the consumer friendly common framework of CPE Schemes for providing CPE to consumers in digital addressable system? Please provide your comments with justification?**

**Ans :** There is no requirement for a common framework for providing CPE to consumers, as the consumers prefer the various and competitive schemes rather than the mandated one.

**Q 26. What should be minimum essential information related to a CPE scheme that must be made available to the consumers to safeguard their interests? Please provide your comments with justification.**

**Ans :** The essential information related to CPE that must be made available to the consumers to safeguard their interest are as under:

1. Details of the Scheme under which the CPE has been provided.
2. Cost of Scheme.
3. Guarantee/ Warranty Period of the CPE.
4. Annual Maintenance Contract (if applicable).
5. Procedure for surrender of CPE (if applicable)

**Q 27. What measures may be adopted to ensure availability of good quality CPE to consumers?**

**Ans :** The CPE provided by all MSOs is of good quality and has a shelf life of 8 years, also it complies with the norms laid down by the Authority i.e. BIS Compliant.



**Q 28. Should any charges such as visit charges, etc. be charged from the subscribers during guarantee-warranty period?**

**Ans :** No, all visit charges should be waived in the guarantee- warranty period.

**Q 29. What should be provisions for maintenance of CPE after the expiry of guarantee- warranty period?**

**Ans :** As a service provider DPO should have to tie-up with the manufacturer or 3rd party to provide maintenance of the CPE after expiry of guarantee-warranty period.

**Q 30. What should be the simplified provisions for surrender of CPE in case of closure of service by the subscribers in order to protect their interest?**

**Ans :** The procedure of surrender of CPE would depend upon the scheme being opted by the subscriber, and published by the DPO. The CPE can be surrendered to the LCO and the LCO can refund the amount, as applicable under the scheme opted by the subscriber.

**Q 31. Please suggest the standards and essential technical parameters for ensuring good quality of service for the following digital addressable platforms:**

- a) Digital Cable TV
- b) DTH
- c) HITS
- d) IPTV

**Ans :** We believe that the existing technical parameters ensures good quality of service and there is no need to modify the same.

**Q 32. What are the different methods to effectively increase consumer awareness?**

**Ans :** The following modes can be used for increasing consumer awareness:

1. Running of scrolls on channels

2. Making available information on the website of DPOs and/ or TRAI
3. Running of Advertisement campaigns every 6 months
4. Holding of Open House Meeting(s)
5. Interaction between LCOs and subscribers

**Q 33. How consumer related information can be effectively provided to Subscribers through DPO website. What minimum information should be provided through consumer corner?**

**Ans :** All consumer related information i.e. Subscription Packages, MOP, CPE, Consumer charter etc. are already available on the website of MSOs, which can be easily accessed by the consumer.

**Q 34. Can outsourcing to the third party for various web based operations be permitted especially for smaller DPOs? If yes, what precautions are taken to ensure that such provisions are not misused?**

**Ans :** Yes. The idea proposed by the Regulator will greatly help the smaller DPOs and result in lower costs for them. As far as the apprehension regarding misuse is concerned, there does not appear to be any reason for the same as the website is only disseminating information and there is no downside to the same.

**Q 35. In case of the use of “In Channel” communication means, what should the guidelines for running scrolls or other onscreen displays, so that it does not impact the viewing experience?**

**Ans :** The scrolls should be permitted below the line. Furthermore, “In channel” communication should be allowed in case the subscriber chooses for the same.

**Q 36. What options can be used for verifiability of subscriber communications for any change in service or provision of additional service?**

**Ans :** The following options can be used of verifiability of subscriber communications:



1. Registered Mobile Number
2. Registered Email Address

**Q 37. What should be the duration to preserve such verifiable subscriber communications requesting change in service or provision of additional services at DPO level?**

**Ans :** The maximum time period for which such data should be preserved is 6 months. In case there is any dispute with regard to activation/ deactivation of some services, the subscriber is likely to raise the issue immediately and not after a prolonged period of time.

**Q 38. What should be optimal number of channel packages which meets the subscriber demand and are well understood by the subscribers?**

**Ans :** We feel that there is no need to regulate this aspect and the same should be under forbearance, as there is intense competition inter-se DPOs which ensures that the packages are made as per the choices/requests of the consumers. . The packaging for urban areas would be different than those in rural areas.

**Q 39. How the package offerings can be improved in case of cable TV services so that effective choice is made available to the consumers?**

**Ans :** As mentioned above in Q. 38 we don't feel that there is a need to regulate this aspect, as there is intense competition inter-se DPOs which ensures that the packages are made as per the choices/requests of the consumers. Also, all MSOs are already following the packaging norms prescribed by the TRAI and giving options of a-la-carte channels, in addition to packages to consumers.

**Q 40. Whether the choice of Pre or Post-paid method should be mandatorily made available to the subscribers?**

**Ans :** No, the DPO should be free to choose its business model i.e. pre-paid or post-paid. Under the existing regulatory framework, MSOs have to mandatorily provide their services on post-paid mode, which has been misused by LCOs as well as

customers, leading to tremendous losses faced by MSOs by paying Entertainment Tax and Service Tax and also to the broadcaster, irrespective of receipt of subscription fee from LCO or customer.

**Q 41. What should be the essential information contained in the monthly Bill/ Usage details to be provided to subscribers in post-paid or prepaid system?**

**Ans :** The following essential information in the monthly bill/ usage details ought to be provided:

1. Package Subscribed to by the Consumer.
2. Amount of Subscription Fee.
3. Taxes.

**Q 42. Should pre-paid method is encouraged in case of cable TV services provided through LCOs? Support your comments with justification.**

**Ans :** Yes, the pre-paid method should be encouraged in case of cable TV services provided through LCOs. There are many reasons for making the offering of cable TV services by MSOs in DAS compulsory on a pre-paid option only, some reasons are as under :-

- a) MSO dependent on Local Cable Operators (“LCOs”) for collection of the subscription amount, unlike DTH operators. This anomaly can be rectified by making pre-paid collection by MSO in DAS mandatory.
- b) The imposition of financial disincentives is upon MSOs for activities which are jointly undertaken by MSOs and LCOs. Since MSOs interact to their subscribers through LCOs, putting financial disincentives upon MSOs alone puts them at great risk of suffering financial losses for actions which may not be under their direct control.
- c) The pre-paid option will reduce the disputes between the MSO and subscribers; ensure better collection and realization of revenues.

- d) In the case of pre-paid model, the collection of taxes from subscribers and their deposit with the Government will be streamlined.
- e) It will bring transparency in the payment procedure and will also ensure better and faster resolution of complaints through online redressal of complaints.

**Q 43. What should the billing cycle both be for pre-paid and post-paid? Please give your comments along with justification.**

**Ans :** As far as prepaid customers are concerned; the billing cycle will start from the date of activation of services. However, for post-paid customers the billing cycle will be based on calendar dates.

**Q 44. Should deduction of maintenance related charges for CPE from the pre-paid subscription account be prohibited?**

**Ans :** Yes. The amount in a prepaid service is to be only used towards adjustment of subscription fee and/ or any service availed by the customer i.e. Video on Demand etc.

**Q 45. How Toll Free number and call centre details can be widely publicised among the subscriber?**

**Ans :** Toll Free Number and Call Centre details are already circulated by publishing on the Pamphlets, Brochures, Scroll Messages and website.

**Q 46. How response time and accessibility of call centre including that of the Call centre executive can be enhanced?**

**Ans :** More than 90% calls are attended in less than 20 Secs.

**Q 47. Please provide your comments on the following performance parameters discussed in preceding paras related to call centre?**

**a. Call centre availability hours**



- b. Multiple languages in IVR**
- c. Response time for answering IVR and voice to voice calls**
- d. Sub menu and accessibility of customer care executive**

**Ans :** Call Centre is accessible from 8 am to 11 pm, 365 days. Response time and Sub menu accessibility is Good and within the norms.

**Q 48. What should be the timelines for complaint resolution for different type of complaints at call centre and Nodal officer level?**

**Ans :** Currently we are resolving complaints over the Phone (FCR) by sending Provisioning commands as required or by providing guidance over the phone. Complaints like 'No Signal' has to be physically attended and resolved, which is currently done within the norms.

**Q 49. Can outsourcing of call centre and web based complaint monitoring functions to third party help in increasing efficiency and compliance levels?**

**Ans :** Yes.

**Q 50. What should be the innovative ways to develop a speedy user friendly complaint registering and redressal framework using Mobile Apps, SMS, Online system etc.**

**Ans :** The Authority can formulate/ appoint a Core Working Group which can examine the feasibility and technical aspects of using mobile apps, SMS, Online System etc. Once the Report of the Core Working Group is published, the various stakeholders would be in a better position to provide their inputs regarding the same.

**Q 51. What should be framework for implementation of electronic PMR?**

**Ans :** The process of generation of the PMR can be automated at the end of the DPO and the Reports generated can be submitted either automatically or manually to the concerned Authority.

**Q 52. What should be framework for auditing of the records for QoS regulatory compliance by DPOs? Please suggest appropriate measures along with justifications.**

**Ans :** An Industry Body is required to lay down the QoS Regulations. Once the Industry Body is formed, it can lay down the framework for auditing records, which will adequately protect the interest of all stakeholders including consumers.

**Q 53. What should be framework for carrying out survey for QoS compliance and subscriber satisfaction?**

**Ans :** An Industry Body is required to lay down the QoS Regulations. Once the Industry Body is formed, it can lay down the framework for carrying out survey for QoS compliance and subscriber satisfaction, which will adequately protect the interest of all stakeholders including consumers.

**Q 54. What should be the framework and quantum for financial disincentives for non compliance to the prescribed QoS benchmarks? Please suggest appropriate measures along with justifications.**

**Ans :** The industry is in the process of going through a paradigm shift, wherein by December, 2017 the entire country is to be digitalized and analogue signals be switched off. MSOs are continue in practice to upgrade their systems, also further investments are required for acquisition of CPE for DAS Phase IV Areas, as also upgrading the Network infrastructure in those areas. Once the complete digitalization has been achieved, and the Industry has settled down, financial disincentives can thereafter be imposed in cases of non-compliance of prescribed QoS benchmarks. As already mentioned above, there is intense competition inter-se DPOs, resulting in the DPOs maintaining proper QoS and ensuring customer satisfaction.

**Q 55. Should all channels carried on the platform of a DPO must be included and shown in the EPG? Justify your comments.**

**Ans :** A majority of MSOs, show the entire list of channels available on their Network in the EPG and not just the channels which have been subscribed to by the customer. As far, as populating the details in the EPG are concerned, the same can be done only if the details are made available to the MSO.

**Q 56. Stakeholders may also provide their comments on any other issue relevant to the present consultation.**

**Ans :** Along with the above mentioned issues, few other issues need to be addressed, which are as under :-

1. Mandatory publishing of Entertainment Tax and Service Tax Number of MSOs on invoices in terms of Clause 15(2) of the DAS, QoS Regulations - The publication of the Entertainment Tax and Service Tax Number on the invoice, makes the MSOs liable for these statutory dues, whose collection is not within the control of the MSOs. 90% of the connectivity of MSOs to consumers is through LCOs and it is the LCOs who are responsible for collection of these statutory amounts. In most cases, the MSO does not have any direct relationship with the customer, and only provides signals till the node of the LCO, who interacts with the subscribers.
2. Providing of Warranty on Remotes/ Adapters/ AV Leads – We believe that Remotes/ Adapters/AV Leads (wires) etc. are in the nature of consumables and providing a warranty period for the same is not feasible.