

First and foremost, we would like to state that the issues raised in the present consultation does not into consideration a holistic view of the industry and to that extent the present consultation is incomplete.

For instance, the Authority is well aware that the Over the Top (OTT) platforms and other open-source websites, which are illegally and arbitrarily, not adhering to TRAI's regulatory framework enable the consumers to have access to video/television services and have evidently established themselves as a formidable alternative to the consumers for accessing media content and video services. Such OTT platforms, enable consumers to have access to not only the content that are available on the networks of other DPOs, but also to much other diverse and versatile content, and at much lower prices.

The Authority is aware that prices of premier channels that are being transmitted through linear distribution platform, through any of the Distribution Platform Operators (DPOs) recognized by the Authority under the regulatory framework, have seen an exorbitant increase on part of the broadcasters, i.e. between 200-400% increase while the same content continues to remain available at significantly lower prices/nil prices on the OTT, Free Dish and other open source platforms. To cite an instance, Star India Private Limited (SIPL)'s decision to broadcast and make the cricketing events of national importance such as the Asia Cup 2023 and International Cricket Council World Cup 2023 available on *free-to-view basis*, on Hotstar which is an OTT application owned by Novi Digital Entertainment Private Limited, a subsidiary of SIPL; is a classic example by virtue of which SIPL is flouting the spirit of regulatory framework.

The Authority would agree that the broadcasting and cable television industry has been severely impacted as the DPOs and/or their affiliated local cable operators (LCOs) have been losing subscribers for the last couple of years by a huge margin on account of subscribers taking a shift to either the OTT platforms or to the platforms of Free Dish.

Be that as it may, based on the responses/comments to the issues raised, we would like to submit our counter as under:

- (a) Firstly, we strongly object the suggestion of the broadcasters to decide retail price of their channels as well as carrying of broadcaster bouquets without any modification. To that extent, we would like to emphasize that the Distributors (MSO/DTH/IPTV/HITS platform operators) form bouquets

comprising of various broadcaster channels after careful consideration of consumer choice in the relevant geographic markets. On the other hand, the broadcasters form bouquets purely with an object of bundling their non-popular channels along with few popular channels. Moreover, the pricing strategy adopted by the broadcasters itself make a-la-carte option unfeasible/unviable for the consumers. Resultantly, the consumers choice is severely compromised. **Hence, we are of the opinion that the broadcasters should not be permitted to form bouquets.** Alternatively, if the broadcasters are permitted to form bouquet(s), then the Distributors should have the option to select the channels from such bouquet(s) and pay proportionately for such channels.

- (b) Secondly, Free Dish subscriber base has grown exponentially and is actively competing with the Distributors. Hence, TRAI should ensure strict compliance of regulatory framework by Free Dish including mandatory encryption of channels. **Also, the broadcasters (irrespective pay/FTA) shall be also pay similar carriage fees to the Distributors, as has been paid to Prasar Bharti for carriage of their respective channels and to that extent carriage cap shall not be made applicable on such channels that are been made available on Free Dish or alternatively, may be completely removed/eradicated.**
- (c) Likewise, TRAI should forthwith exercise its jurisdiction on OTT platforms providing broadcasting services and ensure adherence to its regulatory framework, without any further delay.

We sincerely hope that the aforesaid will be taken into consideration by the Authority before notifying amendments in the subsisting regulatory framework. We stand ready to be involved in further consultations and industry dialogues that may be undertaken by the Authority before finalizing any view on these issues.

