



10th April 2023

Shri Sanjeev Kumar Sharma
Advisor (Broadband & Policy Analysis)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg, (Old Minto Road)
New Delhi - 110002

Subject: Counter Comments -Consultation Paper on “Regulating Converged Digital Technologies and Services - Enabling Convergence of Carriage of Broadcasting and Telecommunication services”.

Dear Sir,

This is in reference to the Consultation Paper dated 30th January 2023 on “**Regulating Converged Digital Technologies and Services - Enabling Convergence of Carriage of Broadcasting and Telecommunication services**”.

In this regard, we, Tata Teleservices Limited (TTSL) and Tata Teleservices (Maharashtra) Limited [together called “TTL”] hereby enclose our counter comments to the questions raised in your above-mentioned Consultation Paper. We hope it will be given due consideration.

Thanking you and assuring you of our best attention always.

Yours sincerely,

Satya Yadav
Addl. Vice President - Corporate Regulatory Affairs
Tata Teleservices Limited
And
Authorized Signatory
For Tata Teleservices (Maharashtra) Limited
Mobile: 9212109948
E-mail: Satya.yadav@tatatel.co.in

Encl: As above

TATA TELESERVICES LIMITED

CIN-U74899DL1995PLCO66685

WeWork, 19th Floor, Office Number 16A-102, Berger Tower, Delhi One, Sector-16B, Noida-201301
Tel.:0120-6901001, Fax : 0120-6901005 Website www.tatateleservices.com, E-mail-1515@tatatel.co.in
Registered Office: 10th Floor, Tower 1, Jeevan Bharati, 124 Connaught Circus, New Delhi-110001



Consultation Paper on Consultation Paper on Regulating Converged Digital Technologies and Services – Enabling Convergence of Carriage of Broadcasting and Telecommunication services - Comments by Tata Teleservices Limited & Tata Teleservices (Maharashtra) Limited

At the outset, Tata Teleservices Limited and Tata Teleservices (Maharashtra) Limited [together called “TTL”] thank the Authority for providing us the opportunity to share the response to the Consultation Paper on Regulating Converged Digital Technologies and Services - Enabling Convergence of Carriage of Broadcasting and Telecommunication services.

In India, regulatory framework for Broadcasting services has ensured that all broadcasting channels are available to customers without discrimination through various Distribution Platform Operator (DPO) i.e., DTH, multi-system operator, IPTV and HITS operators. This framework built on sound regulatory principles such as customer choice, transparency, and non-discrimination, has ensured non-exclusivities for all stakeholders.

While MIB and TRAI regulate the existing distribution platforms, e.g., DTH, IPTV, MSOs, no such regulatory framework exists for the OTT platforms, which carry the same content. This has created an anti-competitive environment and a non-level playing field for the Distribution Platform Operators (DPOs) and OTT Platforms.

At present huge infrastructure, both in telecommunication and broadcasting services, have been created on the basis of present policy and licensing regime. Any change in policy or regulatory structure must ensure the continuity of provision of services by utilising the infrastructure created by current investments, therefore, in order to have regulatory certainty, we suggest that the minimal required changes in the existing regulatory landscape should be carried out to address the challenges arising from convergence of carriage and technological upgradation. Further, as the Telecommunication laws are already being recast under the draft Telecommunication Bill 2022, any change in regulation should be proposed only after there is a complete clarity in the proposed telecommunication law.

Close coordination among various administrative ministries to facilitate the convergence can be achieved through use of ICT tools like developing a digital portal that handles issues in granting of licenses and permissions including compliances etc., across involved ministries. It will lead to creation of single window system that will enhance overall ease of doing business for the stakeholders.

Further to above, we also would like to submit here that -

- The regulatory landscape should ensure minimal required changes in the existing scheme of things which should be restricted to address the issues and in all other matters the status quo should prevail.



- The present laws are adequate to deal with convergence of carriage of broadcasting services and telecommunication services, however, the Authority may need to iron out a few administrative issues and bring in synergy in close coordination with other Government stakeholders.
- To ensure Level Playing Field, we recommend that the OTT Communication Services should be brought under license, through UL. Same Service Same Rules principles should be applied w.r.t various licensing terms and conditions w.r.t OTT Communication services.
- A framework in the lines of Ease of Doing Business (EoDB) be developed by TRAI to ensure that all entities involved coordinate in a transparent manner.

Given below is our comments to the issues and concerns as mentioned in the Consultation Paper:

Q1. Whether the present laws are adequate to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how?

TTL Response:

No. We are of the opinion that the present laws that are governing present broadcasting services and telecommunication services are not adequate to the deal with the convergence of both the services and the convergence is required to meet the required development goals and to bridge the digital divide.

Convergence plays an important role in society from the economic, social, and development perspective. It can influence the way in which governments develop appropriate policies while looking for social welfare; enterprises compete in the market; and individuals communicate with each other and benefit from efficient, lower-cost, innovative, and new value-added products and services.

OR Whether the existing laws need to be amended to bring in synergies amongst different acts to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, please explain with reasons and what amendments are required?

TTL Response:

Currently, there is ambiguity in regulatory environment, since there are different licenses, regulations controlling tariffs and quality of service, consumer related laws, different forum and regulating and controlling all of these.

The converged regulatory frame work which is required, need to address these issues and consider aspects like investment enabling policies, innovation and ease of doing business.



OR Whether there is a need for having a comprehensive/converged legal framework (separate Comprehensive Code) to deal with convergence of carriage of broadcasting services and telecommunication services? If yes, provide details of the suggested comprehensive code.

TTL Response:

We propose single licensing regime controlling all these and a single window clearance for obtaining related clearances in a time bound manner. Also, we suggest a common regulation controlling quality of services, consumer grievances, tariffs, ensuring affordable services to everyone, issues relates to quality of service. And content board's to control content services with relevant norms and laws.

Q2. Whether the present regime of separate licenses and distinct administrative establishments under different ministries for processing and taking decisions on licensing issues, are able to adequately handle convergence of carriage of broadcasting services and telecommunication services? If yes, please explain how? If no, what should be the suggested alternative licensing and administrative framework/architecture/establishment that facilitates the orderly growth of telecom and broadcasting sectors while handling challenges being posed by convergence? Please provide details.

TTL Response:

No. Because there are multiple agencies/multiple licenses/multiple clearances and multiple obligations defeating convergence.

We propose a single licensing regime under the current unified license There should be inclusion of a separate chapter governing broadcasting services. Through this, issues and challenges of reachability and dependency on multiple government institutions may be reduced. And is expected to be a trajectory path for the new converged environment and will play a great role in reduction of digital divide, reduction of cost, time and efficient use of natural resources and will help in technological convergence as well.

Q3. How various institutional establishment dealing with -

(a) Standardization, testing and certification.

(b) Training and Skilling.

(c) Research & Development; and

(d) Promotion of industries

under different ministries can be synergized effectively to serve in the converged era. Please provide institution wise details along with justification.



TTL Response:

We would like to comment here that all the institutional establishment were efficiently handling and helping in training , development , certification and setting standards. Thus, we propose that the institutions have mechanism to follow collaborative approach -

Q4. What steps are required to be taken for establishing a unified policy framework and spectrum management regime for the carriage of broadcasting services and telecommunication services? Kindly provide details with justification.

TTL Response:

DoT has come out with a draft communication bill and the same is still under discussion with various stake holders, which should be used as a platform for unified policy framework for convergence of telecom and broadcasting.

Q5. Beyond restructuring of legal, licensing, and regulatory frameworks of carriage of broadcasting services and telecommunication services, whether other issues also need to be addressed for reaping the benefits of convergence holistically? What other issues would need addressing? Please provide full details with suggested changes, if any.

TTL Response:

With the launch of 5G and a newer generation of bandwidth-hungry applications and services to come in the future as well, the need for creation of appropriate mechanisms and contribution of stakeholders towards creation of digital infrastructure needs to be transparent.

OTT providers continue to gain massive direct / indirect benefits at the expense of TSPs. Therefore, we believe that these OTTs must reasonably compensate the TSPs for using the network established by the TSP.

Since the TSPs will be receiving the revenue from OTTs as part of their Telecommunications Services rendered, they would automatically be paying license fee to the government on an incremental basis to the extent of these payments by OTTs to the TSPs.