

**Trai WB (18.07.13) Cable Operators Sangram Committee, Kolkata,
Ratan Jaiswaal (Vice President)**

Date: 18 July 2013

To,
The Chairman
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi 110 002

Kind Attn: Dr. Rahul Khullar

Respected Sir,

Goaded by compelling circumstances we the representative of the Cable TV Operators in West Bengal are going to encroach upon your precious time as well as going to inform you that that the deadline for DAS implementation was 30th July 2012 which was later extended to October 2012 after discussion with the various and TRAI. However, views of cable operators of Kolkata was not taken and as such the central government tried to implement DAS without ascertaining as to whether sufficient STB's had been made available or not. However, thanks to the kind and Pro-active role of you, after holding several discussions with the operators and ascertaining the ground reality DAS was deferred by a few months. This pro-active role of you not only insured that sufficient time was given for Set Top Box installation; it also proved that the DATA provided by the various MSO's in 2012 regarding their preparedness was false and incorrect

Once again the same MSO's are playing mischief with the implementation of DAS. Till date none of the MSO's have provided us with package application forms through which the subscribers can choose between the various packages, which is the main benefit if DAS. Whereas some MSO's have been able to announce packages, others are not yet ready with the same more than seven months from official implementation of DAS i.e. 31st October 2012, a date which was fixed by the central government after consultation with all MSO's.

In the middle of April 2013 MSOs have raised an ad-hoc invoice with retrospective effect from February 2013, and that the said bill/invoice has been raised on various cable operators as was done in the analogue period but was however to be discontinued after DAS implementation. We protest our anguish against the unilateral action of the MSOs in issuing invoices on the basis of an ad-hoc monthly billing, without any consultation with the cable operators. That the said ad-hoc billing is arbitrary, Illegal, Ultra Vires and contrary to the guide lines and regulations of TRAI as it defeats the very purpose of a complete digital addressable framework. It is also in violation of Sub clause "ze" of "**THE TELECOMMUNICATION (BROADCASTING AND CABLE) SERVICES (FOURTH) (ADDRESSABLE SYSTEMS) TARIFF (FIRST AMENDMENT) ORDER 2012 (NO 3 OF 2012)**"

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In the context our strong request to the MSOs was to withdraw the so called invoices which are as it is ULTRA VIRES, illegal and unilateral.

Further we like to add that under the Law of TRAI, as it stands and prevails, that prior to issuing of any invoice, the following procedures need to be followed:

1. Consumer awareness program to be initiated as regards to the various packages being offered by you, their rates, bouquet and a-la-carte.
2. Consumer package selection forms to be distributed to subscribers through the cable operators. Thereafter, the same to be filled by the Subscribers and submitted through the Cable TV Operators to the respective Mso's.
3. Mso's to allot the said packages to the respective customers.
4. There after invoices to be raised on individual subscribers.

It is also stated that till date all the MSOs have not announced the schemes at which the STB's could be provided on either hire purchase, rent or outright purchase, or the terms and conditions at which the same could be returned to MSOs. That in spite of in-ability of the MSOs to do so, the cable operators have gone on ahead and co-operated with MSOs in installation of the STB's. However, it now seems that MSOs have taken co-operation of the Cable TV Operators for granted and hence the unilateral billing in gross violation of the TRAI regulations.

More-so-over, digital agreements with a large number of the Cable TV Operators remain unresolved and unsigned till date. The discussion regarding revenue sharing of packages and Carriage fee of channels has also not been brought onto the table of discussion with the Cable TV Operators.

Further, MSOs have started arm twisting cable operators by unilaterally switching off large number of channels. This switch off has led to several law and order problems and we have requested the MSOs to stop this illegal practice and instead implement the provision of package allocation as per the relevant regulations.

However since they are not yet ready with the necessary infrastructure which they had promised to put in place within the stipulated period, they are now coercing and blackmailing the operators vide this arbitrary switch off.

On the point of view of package released by some MSO's put the Cable TV Operators in the dark and also without any propaganda regarding package to be adopted by the Subscribers with the Digital Addressable System, The released packages are neither acceptable to the Subscribers nor up to the label of acclimatization

of viewers of Cable TV program since last 23 years, in this context it can be said that to enjoy the Cable TV program as before the viewers will have to pay huge extra amount in comparison with the present average monthly subscription, ultimately the Cable TV will be the status symbol of only few very rich persons in the society in near future.

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In view of the aforesaid problems we have no other alternatives to but to bring in before you and try to take into sight of proper authorities for perfect solution otherwise the Subscribers will lose their habits, liberties and rights to watch out programs of Cable TV as well as the above act of the MSOs are enough to create a crisis which may lead to severe consumer unrest and put the lives and liberty of thousands of cable operators along with their staff in danger on the way of unemployment.

Cable Operators Sangram Committee support and shout in favor of inception and implementation of DIGITAL ACCESS SYSTEM and always uphold the interest of the Subscribers as well as the thinking ,recommendations and guide lines of TRAI regarding the DIGITAL ACCESS SYSTEM, but we compel to protest against the MSOs where they have taken programs against the unprofessional conduct to proper implementation of Digital Addressable System, We hope sufficient information you meet from the aforesaid statements from our end and believe you should extend your hands of co operation and effort to the Cable TV Operators to get to the bottom of the present challenging situations.

Thanking You

Sincerely Yours

[RATAN JAISWAL]
Vice President
CABLE OPERATORS SANGRAM COMMITTEE

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