

To

Shri Vikram Kaushik, CEO
M/s TATA SKY
Army & Navy Building
2nd Floor, 148, Mahatma Gandhi Road
Mumbai – 400 001

Subject : Direction under section 13 of the TRAI Act 1997, regarding compliance of amended procedure for filing of details of Interconnect Agreements

WHEREAS in exercise of the powers vested in it under section 36 read with clauses (iv), (vii) and (viii) of sub-section (1)(b) of Section 11 of the Telecom Regulatory Authority of India Act 1997 (hereinafter referred to as the `Act'), the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority") notified the Register of Interconnect Agreements (Broadcasting and Cable Services) Regulation 2004 (15 of 2004), {hereinafter referred to as the `Regulation'} in the Gazette of India, Extraordinary, Part-III, Section-4, as No.197, on 31st December 2004;

2. WHEREAS the manner in which the information relating to the interconnect agreements, to be furnished to the Authority was laid down in clauses 5 and 6 of the Regulation dated 31.12.2004, whereby, the broadcasters were required to file details of interconnect agreements entered into with the service providers in part `A' containing standard forms of contract/agreement/MOU etc., and in Part `B' containing specified details of individual agreements, both in print and electronic form, with quarterly updating at the expiry of one month from the end of each quarters;

3. WHEREAS there have been developments, which point to the likelihood of the DTH platform having more operators in the next few months. Therefore, a provision making the DTH operator to also file the interconnect agreements was considered necessary from the point of view of better monitoring;

4. WHEREAS the Authority after considering the matter decided to amend the existing clauses 5 and 6 of the Regulation dated 31.12.2004 by inserting clauses 5-A and 6-A in regard to the manner of filing of data or information in respect of DTH Operators;

5. WHEREAS the Authority notified the Register of Interconnect Agreement (Broadcasting and Cable Services) (Third Amendment) Regulation, 2006 (3 of 2006), giving effect to the above mentioned decision of the Authority. The said Regulation was notified in the Gazette of India, Extraordinary, Part-III, Section 4, as No.32, on 10th March 2006;

6. WHEREAS in the notification, it has been provided that the direct to home operator shall furnish to the Authority, a duly authenticated copy of each of the agreement/contract/memorandum of understanding entered into with the broadcaster signed by the parties to the contract/agreement/Memorandum of Understanding with all its annexure containing, inter alia, the full addresses of the parties to the contract, contract number, date of entering into the contract, dates of commencement and expiry of the contract, number of subscribers including minimum subscriber guarantee, if any, number and details of names of channel(s)/bouquet(s), price(s) of each individual channel(s)/bouquet(s);

7. NOW, THEREFORE, in exercise of the powers vested under Section 13 of the TRAI Act, 1997 for the discharge of functions under section 11(1)(b) of TRAI Act, 1997 read with the Register of Interconnect Agreement (Broadcasting and Cable Services) (Third amendment) Regulation, 2006 (3 of 2006), the Authority specifies the following procedure for filing of interconnection agreements due for the quarters ending 31 March 2006 and onwards :

i) The Direct to Home Operators shall furnish by 30th April every year a copy of signed agreement/contract/Memorandum of Understanding containing details of interconnect agreements as specified under clause 6A of the amendment regulation of 10.03.2006 as updated upto 31st March of that year in print from with every page duly authenticated by an authorized representative.

A copy of the data furnished in print form indicated in (i) above will also be filed in electronic form through a non-writable CD duly signed by an authorized representative, in Microsoft Word format.

ii) The data as furnished above would be updated and filed every quarters (i.e.) for the quarter ending June 30th by July 31st; for the quarter ending September 30th, by October 31st; and for the quarter ending 31st December, by 31st January. This subsequent quarterly filing shall be both in print and electronic form through a CD duly signed by an authorized representative”.

8. Accordingly, all DTH Operators are directed to comply with the procedure prescribed in Para 7 above.

9. This issues with the approval of the Authority.

(Rakesh Kacker)
Advisor (B&CS)