



# Maharashtra Cable Operators' Foundation

महाराष्ट्र केबल ऑपरेटर्स फाउंडेशन

Reg. NO. F - 57846

Prabhoo Ghar 26, Hanuman Cross Road, No. 2, Vile Parle (East), Mumbai - 400 057.  
E-mail - mcof247@gmail.com

7<sup>th</sup> Feb.2019

To  
Hathway/DEN/SitiCable/IMCL/

Dear Sirs,

Re: Final Call cum Notice

We write in continuity of numerous mails, few Meetings and the Protest March early this Week. It appears that our Representations are not being considered by you and you are unilaterally proceeding to-

- Impose SIA on the LMOs
- Impose illegal Packages and Tariffs on our Subscribers
- Omitting to involve LMOs in any of the Processes needed to effectively and meaningfully implement the path-breaking Tariff Order , in such a manner that it only suits your interests .

We have following to add on the above unfair, unjust and illegal actions-

## 1) SIA imposition-

SIA has outlived its relevance since the 55% that accrued to MSO also included the Pay Channel costs. As these are now separated and recoverable per Subscriber, the surplus claim by MSO does not stand any scrutiny in Law or Equity

In any case, all SIA have expired and its Common Law that signed or unsigned, Agreement must have consent from Parties thereto. We reiterate that none of our Members has conveyed consent to SIA extension and the terms thereof are not binding on us

As regards NCF in particular and the Pay Feed in applicable cases, you are a Service Provider to us and through us our Subscribers. Neither the Local Networks nor the Subscribers belong to you. As a Service Provider you are obliged to enter into formal Contract with LMOs and are currently non-contracted Service Provider. At the same time, we do understand the importance of viability of any Service Provider is in the interest of the Customers and are therefore open to negotiate and pay justifiable Fees from the NCF and Pay Channel Commissions

## 2) Package formation and imposition-

Most of the Packages drawn by you suffer from Legal standpoint being-

- Mixture of FTA and Pay
- Not enabling our Subscribers and your indirect Customers to redesign the FTA Bouquet
- Not enabling our Subscribers to take well-informed decisions
- Either restoring earlier Feed without indicating effective costs or option to de-select the Channels they do not want
- Loaded with the risk of Backward working of tariffs if Channels are repeated blindly or denial of Channels if historical tariffs are taken as benchmarks



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Your unhealthy practices are in violation of Customer rights and TRAI Regulations. We are sure that TRAI will take suitable actions when the Representations reach them. However, in the meanwhile we are facing the backlash from our Subscribers who are gathering the misimpression that we are at fault

IT MAY PLEASE BE NOTED THAT WHILE YOU MAY BREACH THE LAWS WITH IMPUNITY, NONE OF THE LMOs WILL BE ACCOMPLICE IN SUBSCRIBER EXPLOITATION TACTICS ADOPTED BY YOU

IN CASE OUR MEMBERS LOSE ANY SUBSCRIBER TO DTH OR OTT DUE TO SUCH PRACTICES, THE LMOs WILL HOLD YOU RESPONSIBLE FOR LOSS OF BUSINESS AND GOODWILL AND CLAIM LITIGATED DAMAGES FROM THE CONCERNED MSO

### 3) Excluding LMOs-

We do not see a single initiative to empower, train or enable the LMO to effectively connect with the Subscribers. On the contrary, you seem to be engaged in lip service on implementing the Tariff Order without any preparation or even inclination. News Reports that 90% of Subscribers have been contacted by you appears to be gross misreporting done by some of you as none of our Subscribers have had the opportunity to react to the options being displayed on your Website  
Your actions seem to be restricted to diverting our Subscribers to you, directly collecting Fees from them without our Consent

### NOTICE:

Each of the above and numerous secondary yet equally serious breaches are being committed by you  
We put you on Notice and demand-

- Immediate call for MIA discussions on rational basis
- Discontinuing the illegally designed packages
- Inclusion of LMOs and Ground Team in all Implementation efforts

It may please be noted that a copy of this Call cum Notice is being sent to TRAI, MIB and Consumer Forums across India

Your failure to respond and act will lead to further actions by the Authorities, our Customers and Member LMOs, the costs and consequences of which will solely rest on you, which please note

Hoping that Wiser Council would prevail

Regards

For Maharashtra Cable Operators' Foundation

Arvind R Prabhoo  
President

CC to The Secretary, TRAI