

BHUTAN INFOCOMM AND MEDIA AUTHORITY

ROYAL GOVERNMENT OF BHUTAN



**RULES FOR THE OPERATION OF CABLE TELEVISION SERVICE
2016**

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DRAFT RULE

CHAPTER 1 - PRELIMINARY

1.1 Legal Basis

These Rules are issued by the Authority in accordance with Sections 33 and 36 (1) of the Bhutan Information, Communications and Media Act 2006.

1.2 Title and Commencement

These Rules shall be called as “Rules for the Operation of Cable Television Service 2016” and shall come into force on theDay.....Month of the.....Year corresponding to theDay of.....Month of.....Year.

1.3 Scope of Application

These Rules shall apply to all the Cable television operators within the kingdom of Bhutan and shall be read in conjunction with all other existing codes of practice, Rules and regulations established by the Authority.

1.4 Amendments

These Rules are subject to amendment and changes when required. Such amendment and changes shall be made in accordance with the needs and changes in national priorities, Government policies and industry trends. Amendment of these Rules by way of addition, variation or repeal may be affected by the Authority.

1.5 Interpretation

The power to interpret these Rules shall vest with the Authority who may issue such instructions as may be necessary to give effect to and implement the provisions of these Rules.

1.6 Rules of Construction

In these Rules, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

1.7 Definitions

In addition to the following terms, or unless the context requires otherwise, the words and terms used in these Rules shall have the same meaning as assigned in the Act.

Act means the Bhutan Information, Communications and Media Act, 2006;

Authority means the Bhutan InfoComm and Media Authority;

Area of Operation means the designated area as approved by the Authority;

Cable Television Service means the transmission of both analog and digital television programmes by cable/wireless;

Cable Television System means an analog or digital facility consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment designed to provide cable television service for reception by multiple subscribers within a community;

Channel means a set of frequencies used for transmission of a programme;

Control Room means a room serving as a central space where a large physical facility or physically dispersed service can be monitored and controlled for delivering the cable television services to the subscribers;

Individual means a single or more than two persons but not an association or a firm or a company;

Local Authorities Administration means the Gewog or Thromde or Drungkhag or Dzongkhag Administration

MSO means Multi Service Operator licensed by the Authority;

Nearest Distribution Point means the existing equipment from where the cable television service can be extended and distributed to the subscribers;

Pay Channel means a TV channel/channels for which fees are charged by the broadcaster for its retransmission through electromagnetic waves or cable, intended to be received by the general public either directly or indirectly;

Subscriber means a person, firm, corporation, or other entity who receives the cable television service at a place indicated by him to the cable operator without further transmitting it to any other person.

Record means any form of systems, subscribers and financial information which the cable television service operator maintains either in electronic or hard copy.

Trunk Cables means the bundled wires, cables, or fiber optic used to take television programs from one location to another only and not for distribution to any subscriber.

DRAFT RULE

CHAPTER 2 – LICENSING PROCEDURE

2.1 General Conditions

- a) Any person who intends to establish, maintain or operate Cable television service shall acquire a valid license from the Authority.
- b) An individual shall not be granted more than one Cable television service license.
- c) All licenses granted under these Rules are non-exclusive. However, the Authority shall determine the requirement of additional licenses in the same area of operation in accordance with the provisions of Act and upon verifying the following criteria;
 - (i) Assessing the quality of service provided by the existing cable operator and the views and comments from the customers,
 - (ii) Exceeding the minimum number of six hundred customers in an area of operation,
 - (iii) Recommendation of the local Authorities,
- d) The licensee shall not lease the license to any other person.
- e) The licensee shall register with the Department of Revenue and Customs and submit the copy of the registration certificate to the Authority within one month of obtaining license from the Authority.

2.2 Application Procedure

- a) The application shall be submitted to the Authority in the form prescribed under Schedule I (a).
- b) The Authority shall review the application and shall intimate the decision in writing to the applicant within 7 working days.
- c) The license fee is payable during the issuance of license.

- d) The licensee shall complete the installation works on or before 180 days from the date of issuance of License and submit a formal request to the Authority to inspect the setup/control room.
- e) In the event the Licensee fails to establish the Cable television system within the stipulated timeframe, the Authority shall have the right to cancel the license.
- f) The Licensee shall only commence the Cable television service after inspection and certification by the Authority.
- g) The license shall be effective from the date of certification for a term as specified in the license.

2.3 Renewal of License

- a) The licensee shall apply for the renewal on or before the expiry date of the license as per the Schedule II. A fine of Nu. 50 per day shall be levied for late renewal after the expiry date.
- b) However if the Licensee delays the renewal beyond 90 days from the expiry of the license then the Authority shall take necessary regulatory actions as per Section 5.1 (b) of this Rule.
- c) The licensee's compliance with the license terms and conditions, rules, standards, orders, and any other directives and notifications shall be a prerequisite for renewal.
- d) In the event if the renewal or extension of the license is denied by the Authority then such decisions shall be conveyed in writing.

- e) The licensee shall produce the clearance from the Association of Bhutan Cable Operators or sector association on any pending dues in subscription of pay channels during the renewal of license.

2.4 Change of Ownership

- a) The ownership of license granted under this rule can be changed only upon obtaining approval from the Authority.
- b) Prior to the change of ownership, the Licensee shall submit the application to the Authority in the form as prescribed under Schedule III.
- c) The transferee shall assume all obligations, liabilities, and responsibility of the previous licensee under the license.
- d) In the case of demise of the licensee, the ownership of license shall be transferred to any person as per the order of the Court.
- e) The transferee shall register with the Department of Revenue and Customs and submit a copy of the certificate to the Authority within one month from the date of transfer.
- f) The Licensee shall not lease the license to any other individual.

2.5 Area of operation

- a) The Licensee shall strictly comply with the area of operation as designated in the License.
- b) If the Licensee intends to extend his service beyond the designated area of operation then a prior approval shall be sought from the Authority.

- c) The Authority shall grant the area of extension request upon verifying the following criteria;
 - (i) When there is either no cable television service in the requested area of expansion or if the number of customer of other existing operator is more than six hundred.
 - (ii) Recommendation from the local Authorities,

CHAPTER 3 – CABLE TELEVISION SERVICES

3.1 Provision of Service

- a) The Licensee shall ensure that the National broadcasting service channels (BBS 1 and 2) are included in their channel bouquet.
- b) All other television channels shall be distributed only after approval from the Authority
- c) The Licensee shall provide at least four pay television channels viz; one entertainment, one news, one sport, one educational and five free to air television channels excluding BBS 1 and 2.
- d) The License granted under these Rules shall not include the right to produce and broadcast its own content by the licensee.
- e) The Licensee shall ensure that the services are made available to any subscribers within 15 days from the receipt of request in their area of operation.
- f) Any additional value added services through the cable television system shall be deployed only after the approval from the Authority.
- g) The licensee may levy the one time installation charges to the subscribers as in the following;

- (i) If the subscriber is within or up to 25 meters from the nearest distribution point, the Licensee may levy the installation charges of Ngultrum Seven Hundred only.
- (ii) If the subscriber is beyond 25 meters from the nearest distribution point, the Licensee may levy the installation charges of Ngultrum Seven Hundred with additional equipment costs (cable, amplifiers etc) incurred to provide the service and mutually agreeable to both the parties. The equipment cost shall be shared if more than one customer is connected from the same distribution point.
- (iii) The installation charge is a onetime fee and the licensee shall not levy the fee if a new customer will occupy the same place without having to reconstruct the connection.

3.2 Subscription to foreign Television channels

- a) The Licensee shall subscribe its foreign channels from the licensed Multi Service Operator (MSO). However, in the absence of licensed MSO, the licensee may subscribe from any legitimate service providers.
- b) A list of channels and the copy of the agreements signed with such service provider(s) shall be submitted to the Authority.

3.3 Tariff

- a) The tariff for the services offered shall be implemented only upon approval from the Authority.
- b) The tariff for additional services should be unbundled from cable television services.

3.4 Discontinuation of the Service

- a) In the event if the licensee decides to discontinue the Cable television service, the Licensee shall inform the Authority, three months in advance and shall continue to provide such service until a formal approval is accorded.
- b) The application for discontinuation of service shall be submitted in written along with tax clearance from the Department of Revenue and Customs.

CHAPTER 4 – INSTALLATION, OPERATION AND MAINTENANCE

4.1 Inspection of records

- a) The Licensee shall maintain a record of operation and such record shall be made available to the Authority as and when required. The record shall include, but not limited to, subscriber details, number of channels, operation and maintenance record and network detail.
- b) The Authority shall have the right to inspect at any time during normal business hours, all books & records.

4.2 Service standards

- a) The Licensee shall ensure to render effective service with minimum interruption at all time.
- b) Licensee shall maintain a dedicated telephone service for providing customer care service as well as complaint handling. Any complaint received shall be recorded and maintained at least for a period of six months.
- c) The Licensee shall draw and maintain a detailed Service Level Agreement (SLA) with its customer.
- d) All trunk cables shall be installed underground or placed in common duct if provided by the local authority.
- e) In the event if the Licensee destroys the surface or subsurface of any street or public space, the licensee shall promptly, at its own expense, restore, repair or replace the same to its original condition.
- f) Any infrastructures that are not in use or do not have any future requirements shall be removed by the Licensee.

4.3 Safety

- a) The Licensee shall install and maintain its cable television system for ensuring all types of safety including prevention of any damages, injury, or nuisance to the public or its subscriber or its employees.
- b) In the event of damages caused due to safety reasons, the licensee shall bear all cost of repair or replacement.

- c) The Licensee shall ensure that all reception, control and transmission equipment used do not in any way cause interference including the radio frequency interference or harm to other.

CHAPTER 5 – LICENSE ADMINISTRATION AND INDEMNIFICATION

5.1 License Administration

a) Compliance

- a. The Licensee shall comply with all laws, codes, standards, rules, orders, directives, notifications, guidelines, and regulations, besides complying with the provisions of these Rules.
- b. The Licensee shall act immediately in emergency situations as per provisions of the Act and other laws of the country.
- c. The Licensee shall permit any official of the Authority or an authorized representative of the Authority to enter into any premises that may be used by the licensee in connection with cable TV system for the purpose of verifying compliance with the standards, lawful orders, instructions or requirements of the Authority.

b) Penalties

The Authority may subject the licensee to, inter alia, the following:

- (i) Issue a written warning.
- (ii) Require the licensee to pay fine as per the provision of the Act.
- (iii) Suspend or revoke the license.
- (iv) Any other sanctions that the Authority may deem fit.

c) Appeals

If aggrieved by the decision of the Authority, the licensee may appeal against such decision to the Appellate Tribunal within thirty days of the receipt of the information of such decisions.

5.2 Indemnification

- a) Licensee shall indemnify, defend and hold harmless the Authority and its officials, agents, attorneys and representatives against any and all costs, damages, expenses, claims, suits, actions, liabilities and judgments for damages, including but not limited to, expenses for legal fees, whether suit be brought or not, and disbursements and liabilities incurred or assumed by the Authority in connection with:
 - (i) damage to persons or property, in any way arising out of or through the acts or omissions of Licensee, its officials, agents, attorneys, representatives or employees;
 - (ii) requests for relief arising out of any Licensee's action or inaction which results in a claim for invasion of the right of privacy; for defamation of any person, firm or corporation; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or of any other right of any person, firm or corporation; or

- (iii) any or all claims arising out of Licensee's failure to comply with the provisions of these Rules or any other law, or regulation applicable to Licensee.

**SCHEDULE I (a) - APPLICATION FORM FOR NEW CABLE TELEVISION
SERVICE LICENSE**

Reference:

Date:

Guidelines to complete the application form:

1. *Complete all the information as required. If some information cannot be given because it does not apply to you please complete it as "NA".*
2. *Before initiating the application and project proposal, an applicant is obliged to have conducted necessary feasibility studies including consultations with officials of the local authorities.*
3. *The applicant should have also studied the relevant provisions of the Bhutan Information, Communications and Media Act 2006 and Rules for Operation of Cable Television Service.*

A: Applicant Details:

Name :	
Citizenship Identity Card Number:	

Village:	
Geog/Dzongkhag:	
Business Address: PO Box:	
Present Address:	
Contact no.:	Mobile: Business:
Email address:	
Fax Number:	

B: Details of the Establishment:

Name of the Cable Television Service (Establishment Name)	
Who will manage the Cable Television System? (If by Manager, attach the CV of the Manager)	
How many staff do you expect to employ?	
Areas of Operation (Place and Location of Cable Service)	
Expected number of customers	
Time duration expected for the commencement of service	

C. Technical Details:

Location of the satellite television receiving equipment (Control Room)	
Type and number of dish to be installed	
No. of LNBS (with specifications)	
No. of Modulators (with specifications)	
No. of Power amplifiers (with specifications)	
Cable specifications	
Type of distribution/transmission (tick):	i) (cable) or ii) (Wireless)

Briefly describe how you intend to lay out the cables to the end users:

.....
..... (Attach if more to explain)

How do you prefer for receiving the channel package?

.....
.....
..... (Attach if more to explain)

D: Declaration and Undertaking

I/We hereby declare that:

1. The details above are correct and factual.
2. I/We shall not operate the equipment/station without a license issued by the Authority.
3. I/We shall downlink and telecast only those television channels approved by the Authority based on a legitimate agreement signed with the service providers.

4. I/We shall declare the exact number of television subscribers connected to my/our cable system to the Authority annually during the day of filing the application for license renewal.
5. I/We shall strictly abide by the provisions of the Rules for the Operation of Cable Television Service, Terms and Conditions of the Cable Television Service operation and any other notifications and order issued by the Authority.
6. In the interest of the general public, the approved channel shall be switched off at any time if directed by the BICMA.

Date _____



Signature of Applicant

E. RECOMMENDATION OF APPLICATION BY THE LOCAL AUTHORITIES

Guidelines:

1. Respective Office of Gups or Thromdes shall review the application and project proposal and recommend the application for establishment of Cable Television Service in their respective jurisdiction(s) for approval of the Dungkhag or Dzongkhag or Thromde whichever appropriate.
2. The Dungkhag or Dzongkhag or Thromde shall review the application/project proposal in consultation with the recommending authorities and accord its recommendation or rejection. If an application is rejected, the decision shall be conveyed to the applicant in writing providing reasons.
3. The Dungkhag or Dzongkhag or Thromde shall forward the recommended project proposal along with the application in original to Bhutan InfoComm and Media Authority for issuance of a cable television service license. A copy of the application and project proposal shall be maintained with the respective recommending authorities.

(i) For Official use by the Office of Gup

The Office of Gup/Thromde shall review the application and project proposal to establish cable television service in their respective jurisdiction carefully considering the impact of the proposal in their respective communities and recommend the application for approval or rejection in the format prescribed below. You are free to change terms and words in this format as per your review and recommendations.

Please tick in brackets as required

.....Geog/Thromde hereby recommends () or does not recommend () the proposal of to establish a cable television service for review and further actions ofDungkhag/Dzongkhag/Thromde in view of the following reasons:

1. Above mentioned applicant **possesses () / does not possesses ()** good moral character and **(has () / has no ()** adverse record in town/community till date.
2. This proposal **will () / will not ()** be beneficial to our community/town (This point may be expanded if necessary).
3. The proposal is **feasible () / not feasible ()** in view of the reasons: (you may list the reasons).
4. Any other remarks/comments:

.....
.....

Recommended () / Not Recommended () for Approval

(Signature)

Name:

(Of Gup/Thromde representative)

Number:

(Telephone/Mobile No)

Seal of Office

(ii) To be completed by Dungkhag / Dzongkhag / Thromde

Guideline:

The Dungkhag/Dzongkhag/Thromde shall review the application and project proposal along with the recommendation of the Office of Gup/Thromde representatives to establish cable television service in their respective jurisdiction carefully considering the impact of the proposal under the respective administration and recommend or reject the application in the format prescribed below. You are free to change terms and words in this format as per the content of your review and decisions.

Please tick in brackets as required

The Application to establish the cable television service license by
and recommended by Gewog/Thromde was reviewed by this
Dungkhag/Dzongkhag/Thromde.

This Dungkhag/Dzongkhag/Thromde Administration hereby **recommend** () / **does not recommend** () the application of for issuance of cable television license by the Bhutan InfoComm and Media Authority.

(Signature)

Name:

(Of Dungpa/Dzongda/Thrompon)

(Telephone/Mobile No)

Seal of Office

**CONTENT FOR CABLE TELEVISION SERVICE BUSINESS PROJECT
PROPOSAL (PROFILE)**

1. Business Ownership (Should portray details on the owner of the license).
2. Location of the Control room (*Give details on the location preferred to set up/install the control room (can submit the rough map), ownership of the land of the control room? Control room house on rent from other? Any sharing of control room? If control room will not be installed-any procurement of signal from other's control room? Etc*).
3. Financial details, estimated project cost, equipment cost, available financial estimation, source of finance etc.
4. Survey on establishing the cable television done? Survey on the possible customer number? Survey on customer's interest to avail your service?
5. Survey on the sustainability of your project/business.

6. Procurement of pay channels through decoder box directly through Indian vendors? Procurement of pay channels through the help of APCO (Association of Private Cable Operators) (*Please note that the DTH use is not permitted*).
7. The employees to be employed in your business. Technical employees, technicians etc.
8. Network infrastructures. Will any BPC or Telecom poles will be used for laying of cable wire? Will the optic fiber be used for distribution? etc

F. Documents required:

The applicant shall obtain and attach/furnish the following documents along with this application form:

- a) Copy of Citizenship Identity Card.
- b) Copy of Security clearance certificate or necessary references.
- c) One passport size photograph.
- d) Cable Television Business Project Proposal.
- e) Recommendation from internal/external service provider.

SCHEDULE I (b) - INSPECTION FORMAT/ CRITERIA FORM

General	Location of Control Room	
	Two technician (mandatory)	
	No. of expected customers declared	
	Quality of channels	
	Service provided in	
Technical	Type of dish installed	
	No. of transmitter:	
	No. of receiver:	

	No. Of modulator:	
	Cable Wiring	
Channels	No. of channels:	
	Pay channels: (Mention the number of each channels)	1. Entertainment: 2.Educational: 3.Sports: 4.News:
	Free to Air Channels:	
	BBS channels:	
Laying of cables and Fibers		
Mode of channels downlinked		
Any other information		

SCHEDULE II - APPLICATION FORM FOR RENEWAL OF CATV LICENSE

A: Applicant information

Name of the Cable Television Service:	
Name of the owner:	
CID No:	
Name of the Manager (if any):	
Cable Television Service License number:	

Telephone no/Mobile no:	
Fax no.:	
Email id.:	

B: Declarations

1. I/We would like to renew my/our Cable Television Service license for the year.....
2. As of/...../.....dd/mm/yy, I/We have a total number of ----- (in words.....) Subscribers using my/our cable service. Based on my/our total number of subscriber, please intimate to us the annual license renewal fee payable to the Authority.
3. I/We attach the following mandatory documents for the renewal of my license:
 - (a) Tax Clearance Certificate issued by the Regional Revenue and Customs Office.
 2. Recommendation of Dzongkhag/ Dungkhang/ Thromde/ Gup office (attached below).
 3. List of channels in my/our network.
 4. Recommendation from internal/external service provider.
4. I/We like to declare that all the above details and attachments to the application are correct and factual.
5. I/We like to reiterate not to operate the equipment without a license issued by the Authority.
6. I/We shall downlink and telecast only those television channels approved by the Authority based on a legitimate agreement signed with the service providers.

7. I/We shall strictly abide by the provisions of the Rules for the Operation of Cable Television Service, Terms and conditions of the operation of Commercial Cable Television and any other notifications and order issued by the Authority.

8. In the interest of the general public, the television channel/channels shall be switched off at any time if directed by the BICMA.

Date _____

Applicant Signature and Seal

Name of Applicant

C. Recommendation for Renewal of Cable Television license

1. Name of the Cable Television Service:
2. Name of the Owner:
3. Citizen Identity Card No:
4. Area of Operation:

.....
For official use by the Geog / Thromde / Dungkhag/ Dzongkhag

(The Authority under whose jurisdiction the cable service operates (Gup or Dungpa or Dzongdag or Thrompon shall recommend or not recommend the renewal of the above applicant's Cable Television Service license to Bhutan InfoComm and Media Authority). If the jurisdiction covers number of Geogs, then such recommendation shall be issued by Dungpa or Dzongdag or Thrompon.

(Tick as appropriate)

Recommended for renewal since the above Cable Television service has no adverse record till date and the service is satisfactory.

Not recommended due to following reasons:

.....
.....
.....

Signature & Seal

Name:

Date:

D. Documents required:

The applicant shall obtain and attach/furnish the following documents along with this application for the Renewal of Cable Television Service License:

- a) Recommendation from Gup/Dungkhag/Dzongkhag or Thromde Administration.
- b) Tax Clearance Certificate from Regional and Revenue and Customs office
- c) List of Channels provided
- d) Recommendation letter from Internal/External Service provider
- e) Verification of standards

f) Record of violations if any

DRAFT RULE

**SCHEDULE III - APPLICATION FORM FOR CABLE TELEVISION SERVICE
LICENSE OWNERSHIP CHANGE**

Transferee Information	
Name	
CID No.	

Present address	
Permanent address	
Telephone no.	
Fax no.	
Email	

Details of the transferor	
Name	
Name of the establishment	
Validity of the License	
CID No	
Contact No	

Reasons for ownership change (tick as appropriate):

1. Bought: () 2. Inheritance: () 3. Others: ()

Proposed name of the establishment:

Declaration:

I/We declare that

- (i) The details above are correct and factual.
- (ii) I/We shall not operate the equipment/station without a license issued by the Authority.
- (iii) I/We shall downlink and telecast only those television channels approved by the Authority based on a legitimate agreement signed with the service providers.

- (IV) I/We shall declare the exact number of television subscribers connected to my/our cable system to the Authority annually during the day of filing the application for license renewal.
- (V) I/We shall strictly abide by the provisions of the Rules for the Operation of Cable Television, Terms and Conditions of the Cable Television operation and any other notifications and orders issued by the Authority.
- (VI) In the interest of the general public, the approved channel shall be switched off at any time if directed by the BICMA.

I am enclosing the following herewith [tick as appropriate]:

Fee of Nu..... by Cash/Cheque/Demand Draft No. dated
.....

Affix Legal Stamp

Affix Legal Stamp

Signature of the Transferee:

Signature of the Transferor

Date:

Date:

Documents Required:

The applicant shall obtain and attach/furnish the following documents along with this application License Ownership:

- a) Sale deed/Inheritance document
- b) Receipt copy of the payment made for sale deed
- c) CID copy
- d) Latest Tax Clearance certificate of the Transferor
- e) Valid Security Clearance
- f) 1 Passport size photograph of transferee
- g) Legal stamp (3 nos.)
- h) Court Order in case of Inheritance

Sl. No.	Particulars	Fees
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DRAFT RULE

SCHEDULE IV – LICENSE FEES

1.	New Cable Television Service License	Nu 25000/- (Twenty Five thousand only)	
2.	Renewal of CATV License	<p>(Option I)</p> <p>1% of Adjusted Gross Revenue) which is as shown in the formula below:</p> $= 0.01 \times 231 \times 12 \times \text{no. of customers}$	<p>(Option II)</p> <p>1% of Adjusted Annual Gross Revenue. (In this case, the Cable television service operators will have to produce the account statement on Annual Gross Revenue of his Cable television service business.)</p>
3.	Late Fine Penalties on renewal of CATV license	A fine of Nu. 50 per day shall be levied for late renewal after the expiry	
4.	License Transfer Fees	Nu. 5000 /- (Five thousand only)	
	License Transfer to the Immediate family and in the case of demise of the licensee	Nil	
5.	Administrative Cost	Nu. 500/- (Ngultrum five hundred only) issuance of duplicate license, for any changes in the license.	