

## Your response

| Question  | Your response  |
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| <p><b>Question 1: Do you agree with our suggested approach to assessing exemptions for affordability, i.e. using overall turnover?</b></p>  | <p>Confidential? – N<br/>Yes</p>   |
| <p><b>Question 2: Do you agree with our suggestion that ‘small companies’ should be exempted from the requirements?</b></p>   | <p>Confidential? – N<br/>Yes</p>   |
| <p><b>Question 3: Do you agree that a threshold level of 1% for the remaining ODPS providers is proportionate?</b></p>  | <p>Confidential? – N<br/>Yes</p>   |
| <p><b>Question 4: If you are an ODPS provider, can you provide any information on the costs of providing access services, including in relation to the various platforms by which services are delivered?</b></p> | <p>Confidential? – N</p> <p>In January 2020 UKTV made subtitles available on several direct-to-consumer platforms offering UKTV Play, including web and mobile.</p> <p>The cost of doing so is difficult to quantify – it involved an initial change request and development cost with Red Bee, but most of work and testing for the launch was done internally, so a “sunk cost”. A conservative estimate would be £50k.</p> <p>Similarly, when UKTV extends subtitles to the TV apps then this cost will be largely absorbed internally.</p> <p>UKTV has not yet addressed the provision of AD assets on DTC platforms, so we cannot comment on the costs.</p> <p>Similarly, UKTV does not have any information or costs relating to delivery of AS to third party platforms, although it is widely accepted that this will be an altogether more expensive and technically difficult challenge.</p> |

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| <p><b>Question 5: If you are an ODPS provider, can you provide any information on the proportion of your ODPS catalogue which is replaced over a given month/ year (rather than archived)?</b></p>  | <p>Confidential? – N</p> <p>Content does not tend to be replaced, just added to. UKTV tends to keep all content available on our ODPS, providing we have the rights to do so.</p> <p>Existing series that are being repeated on linear will likely already exist on-demand as a box set.</p> <p>New series, which will initially be available as part of a 30-day catch-up service, will likely become available as a box set at the conclusion of the linear run.</p> |
| <p><b>Question 6: If you are an ODPS provider and have a broadcast television service, can you provide any information on the proportion of your ODPS catalogue which is repurposed from broadcast television over a given month/ year?</b></p> | <p>Confidential? – N</p> <p>All the content available on UKTV Play – catch-up, as well as archive and box-sets - is repurposed from broadcast television, except for true VoD-only exclusives.</p> <p>Therefore, up until May 2020 the figure would have been 99% repurposed from linear broadcast.</p> <p>Since May 2020, UKTV Play has introduced 330 hours of VOD-only content, so the figure is currently approximately 90%</p>                                    |
| <p><b>Question 7: If you are an ODPS provider with more than one ODPS, can you provide any information on the hours of unique content provided across all your ODPS over a given year?</b></p>  | <p>Confidential? – N</p> <p>N/A</p>  |
| <p><b>Question 8: If you are an ODPS provider, can you provide any information on how much advertising/ subscription revenue you would expect to gain from providing access services on your content?</b></p>                                   | <p>Confidential? – N</p> <p>UKTV has never considered the provision of access services on our on-demand services as being a commercial revenue driver.</p> <p>Additionally, we currently have no means of measuring how many viewers utilise subtitles on UKTV Play, therefore it is not possible to determine what advertising revenue can be attributed to the provision of AS.</p>  |
| <p><b>Question 9: If you have provided answers for any of Question 4-8 above, would you be happy for Ofcom to share this information with Government on a confidential basis, for the purpose of their impact</b></p>                           | <p>Confidential? – N</p> <p>Yes</p>  |

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| <b>assessment to inform the drafting of regulations?</b>  |   |
| <b>Question 10: Do you agree with our suggested approach to making exemptions on the basis of audience size?</b>  | Confidential? – N<br>Yes  |
| <b>Question 11: Do you agree with our suggested threshold for assessing audience size?</b>  | Confidential? – N<br>Yes  |
| <b>Question 12: If you are an ODPS provider, do you have information on unique visitors to your service, including by the platforms through which your service is delivered? Would you be prepared to share estimated audience metrics with Ofcom on a confidential basis, for use in our impact analysis? (Please provide if so)</b> | Confidential? – Y<br>[X]  |
| <b>Question 13: Do you agree with our suggested approach to assessing exemptions on the grounds of technical difficulty?</b>  | Confidential? – N<br>Yes, although standardisation across pay platforms would be desirable.   |
| <b>Question 14: If Ofcom is given discretion in this area, do you agree with our suggested approach to making exemptions for particular genres/ types of programmes?</b>  | Confidential? – N<br>Yes  |
| <b>Question 15: If Government wants to specify which types of programming should be exempt in the regulations, do you agree with our provisional view that the exemptions should only be for audio description on news and music programmes?</b>  | Confidential? – N<br>Yes  |
| <b>Question 16: Do you have any views on our proposed approach to determining applicable signing requirements?</b>  | Confidential? – N<br>UKTV is concerned that the current proposals will:<br><br>A) disproportionately financially penalise larger ODPS providers who are also broadcasters, but who do not |

currently provide sign-presented/interpreted content;

B) have unintended consequences for BSLBT funding; and C) result in less sign-presented content being made for BSL users.

A)

UKTV currently contributes to the BSLBT to meet our linear signing requirements.

As a result, UKTV has no sign-interpreted content, therefore the logical option would seem to be to make contributions to BSLBT to meet our ODPS requirements too.

However, this would result in UKTV making the equivalent of *two* separate payments to BSLBT, to meet both the linear and VOD requirements.

In comparison the PSB's who do have linear signing obligations have already paid to have content sign-interpreted.

Under the proposals, they could then re-use that sign-interpreted content on their VOD services to meet the ODPS requirements.

So [aside from a possible modest re-purposing cost] they would only have *one* initial cost to meet.

Therefore, it seems that the proposals will place a disproportionate financial requirement on smaller broadcasters, whose ODPS services are not exempted from the signing obligations due to audience size.

B)

Given the scenario outlined above, there could be unintended consequences for BSLBT funding.

UKTV's 2020 contribution to BSLBT was £299,250 [excluding VAT].

UKTV continues to contribute to the BSLBT for a number of reasons: because the difference in cost is marginal; it saves our channels the extra scheduling considerations and most importantly – as currently documented – BSL users prefer the sign-presented content that the BSLBT provide.

However, a recent quote for UKTV to provide 5% signing across six of our channels was [redacted].

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|   | <p>While the difference is marginal for our linear requirements, if UKTV must pay an additional contribution to the BSLBT to meet our ODPS signing requirements, then clearly there is a serious consideration for UKTV to cease our contributions.</p> <p>UKTV could opt to create sign-interpreted programming for linear, that could then be re-used on-demand.</p> <p>Like the PSB's in point A above, this would mean UKTV only has one initial cost and could make a significant saving.</p> <p>C)<br/>UKTV are not the only broadcaster who would be financially affected by the proposals to contribute twice to the BSLBT, meaning other broadcasters may also opt to cease contributions.</p> <p>If broadcasters do this, then of course it will have the advantage of increasing the volume of sign-interpreted content on both linear and VOD.</p> <p>However, it would also mean that BSLBT would see some rather significant drops in their contributions/income which in turn would impact on the volume and quality of bespoke, sign-presented content they can produce for BSL users.</p> <p>UKTV does not believe that the intention of the VOD Accessibility legislation is to offer BSL users less sign-presented content, but Ofcom's signing proposals could have that unintended consequence.</p> |
| <p><b>Question 17: Do you prefer Option A or Option B for determining the levels of each signing requirement?</b></p> | <p>Confidential? – N</p> <p>We would prefer Option A, should UKTV opt to provide and reuse sign-interpreted content from our linear channels.</p> <p>An additional concern is that a figure for alternative contributions based on catalogue size would result in a fluctuating cost each year, compared to the linear costs which are fixed and known.</p>  |
| <p><b>Question 18: What alternative signing arrangements do you think should be in place for ODPS? Should</b></p>     | <p>Confidential? – N</p> <p>Please see response to Q16.</p>  |

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| <p><b>this be an extension of the current arrangement with BSLBT?</b></p>  |  |
| <p><b>Question 19: Do you believe there should be an exemption for signing in cases where it allows ODPS providers to offer subtitling and AD?</b></p>   | <p>Confidential? – N<br/>Yes</p>   |
| <p><b>Question 20: Do you have any information on the relative costs of providing sign-interpreted or sign-presented programming? If so, please indicate whether you would be happy for Ofcom to share this information with Government on a confidential basis, for the purpose of their impact assessment to inform the drafting of regulations.</b></p> | <p>Confidential? – N<br/>UKTV have been quoted approximately [£] to sign-interpret a 45min programme (60min slot).<br/><br/>We have never investigated how much it would cost to commission or acquire sign-presented content.</p>   |
| <p><b>Question 21: Do you agree with our suggested approach to setting targets across ODPS services and platforms?</b></p>   | <p>Confidential? – N<br/>At this stage, because there are still so many unknowns in terms of cost and technical difficulties, UKTV would favour Option 1 – The Flexible Approach.<br/><br/>Certainly, to begin with, it makes sense for an ODPS provider to prioritise the platforms under their direct control. This is most likely to be web and/or mobile-based as well as TV apps. Almost all consumers will have access to at least one of these devices, so we do not agree with Ofcom’s concern that a flexible approach to reaching targets would necessarily result in consumers having to purchase additional services or devices to access the content.<br/><br/>As mentioned in our answer to Q5, UKTV tends to make all content available on-demand for as long as we have the rights to do so. Therefore, UKTV would be concerned if Ofcom prescribed a requirement for providers to refresh their provision of access services as often as their catalogue generally, especially in relation to Audio Described and Signed content.<br/><br/>It is not inconceivable for a linear broadcaster to have a higher proportion of AD and Signed content in the first third/half of the year. This could coincide with the linear launch of key programme titles, for example. The fact that those titles would be available on demand for the rest of the year without</p> |

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|   | <p>being refreshed should not count against an ODPS provider – any prescriptive requirement for regular refreshing of access serviced content could lead to providers having to audio describe or sign-interpret a higher percentage of content just to meet that requirement.</p> |
| <p><b>Question 22: Do you agree with our suggested approach to implementing the targets?</b></p>  | <p>Confidential? – Y<br/>[X]</p>   |
| <p><b>Question 23: If you are an ODPS provider, would you be able to provide Ofcom with the information outlined in 5.18 to 5.21 on a regular basis (e.g. every two years)?</b></p> | <p>Confidential? – N<br/>Yes.</p>  |
| <p><b>Question 24: Do you have any comments on the cost assumptions included in Annex 2?</b></p>  | <p>Confidential? – N<br/>No</p>  |
| <p><b>Question 25: Do you agree with our assessment of the impact of our proposals on the relevant equality groups? If not, please explain why you do not agree.</b></p>            | <p>Confidential? – N<br/>Yes</p>   |