Your response

Question	Your response
Question 1: Do you agree with our proposed principles and methods for assessing the number of UK users of a TSS?	Confidential? – N We welcome provisions in the Media Act 2024 for a new online availability and prominence regime for public service content. Until now, PSBs' online services have been absent from the regulatory framework and, particularly as a smaller PSB, S4C has struggled to negotiate availability and prominence for its IPS on a purely commercial basis. As outlined in the Act's Explanatory Notes, the policy intent underlying these provisions aimed to ensure that public service content is available and easily discovered in the UK by as wide and as large an audience as possible. As such, ensuring that public service content is widely available and discoverable should be the overarching guiding principle for the new regulatory framework. We recognise that people now watch TV in various ways and that, as a consequence, it may be difficult to ascertain exact individual usage of TV and streaming devices within and across households. We thus believe it is appropriate for Ofcom to use a proxy for user numbers if it considers individual user numbers cannot be measured reliably. This will help ensure that the policy intent behind the new regulatory regime is met. Moreover, we recognise that Ofcom's proposal to use 'the best available evidence' to provide an objective and reliable basis to measure user numbers will not necessarily be the same as 'absolute' evidence. I.e. in most cases where individual numbers cannot be measured reliably, a proxy may well form the 'best available evidence'. We would consider the number of TSS installed on ITE devices in UK homes to be a suitable proxy, for instance.

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	We also welcome Ofcom's proposal to apply a consistent methodology across each TSS to ensure fair treatment.
Question 2: Do you agree with our proposed principles and methods for assessing whether the number of UK users of a TSS is significant?	Confidential? – N We agree that Ofcom should aim to ensure that public service content is easy to access and discover on TSS when it decides upon a threshold for 'significant' user numbers. S4C provides a range of benefits to audiences, including promoting the Welsh language. Ensuring that Welsh-language content is easier to find on connected devices will help maximise these benefits for audiences across the UK. In cases where Ofcom deems there are only limited benefits arising from TSS designation, we welcome its intention to strike an appropriate balance between the audience benefits and the impact of regulatory obligations. However, it would be helpful if Ofcom were to clarify its rationale for paragraph A1.18, i.e. why it may deem it appropriate to not recommend the designation of a TSS above the threshold if its user numbers are declining, but not vice versa. If the principle used here is ensuring an appropriate balance between the audience benefits and the impact of regulatory obligations, it could also be the case that designating a TSS with growing user numbers, and close to reaching the threshold, would bring audience benefits that outweigh the impact of regulatory obligations. The reasoning behind this discrepancy under paragraph A1.18 is currently unclear.
Question 3: Do you agree with our proposed principles and methods for assessing the manner of use of a TSS?	Confidential? – N We agree with Ofcom's proposal to generally take into account the extent of active use of TSS, in addition to the overall number of users. We also agree that, where different approaches for assessing use of TSS on different types of ITE are

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	more suitable, Ofcom should take the most appropriate approach. We consider that these principles and methods will help Ofcom to strike an appropriate balance between the audience benefits and the impact of regulatory obligations when designating TSS.
Question 4: Do you agree with our proposed principles and methods for advising on the functions that a TSS is capable of carrying out, or may be made capable of carrying out?	Confidential? – N Ofcom's proposal to generally consider a TSS to be capable of functioning as an RTSS if it technically capable of complying with the statutory duties of an RTSS is sensible in our view. However, we would flag that there is a potential regulatory loophole were a TSS to be intentionally designed incapable of including accessibility features for people with disabilities. As such, Ofcom may wish to expand under paragraph A1.22 that, in considering if a TSS is capable of functioning as an RTSS, it will take into account its current capabilities and any modifications that may be needed, as well as current industry practice and the features reasonably expected of new TSS devices on the market, and the importance of ensuring accessibility for all audiences.
Question 5: Do you agree with our proposed principles and methods for assessing any other additional matters?	Confidential? – N We agree with Ofcom's proposal to consider appropriate additional matters on a cases-by-case basis, including *but not limited to* the matters outlined under paragraph A1.24.
Supplemental Question 1: We welcome views on this potential use of 'number of TSS installed on ITE devices in UK homes' as a proxy, and on the potential use of an absolute number of UK users when setting a threshold for significant use in our first report setting out our recommendations on designation of TSS. Please provide evidence to support your views.	Confidential? – N We agree that the number of TSS installed on ITE devices in UK homes may serve as a suitable proxy for user numbers, given that Ofcom states ITE sales and shipments, and which TSS are installed on those ITE, is information which is available and

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	can be collected and considered using a robust and transparent methodology. We also agree, given Ofcom's information gathering powers, that using an absolute number of TSS in the UK is an appropriate, objective and transparent method.
Supplemental Question 2: We welcome views on this potential approach to assessing the manner of use of a TSS for our first report setting out our recommendations on designation of TSS. Please provide evidence to support your views.	Confidential? –N We agree with the potential approach, but would welcome further detail on the commissioned usage analysis when Ofcom publishes its report.
Supplemental Question 3: We welcome views and supporting evidence for our first report setting out our recommendations on designation of TSS on: • The number of people using older versions of TSS that are no longer supported by their provider; • When TSS providers release a new version of their service, for how long do they normally support it? • When IPS providers release a new version of their service, for how long do they normally support it? • The technical limitations and/or costs that are associated with supporting older versions of TSS and older versions of IPS still available in the market.	Confidential? – N In terms of the support provided for new versions of our IPS – Our IPS versions are generally supported until they reach End of Life (EOL), which typically tends to be years (5+ years approximately). Support ends when a version is superseded, relies on outdated services (APIs, pipelines, etc), or becomes impractical for us to maintain. For instance, an older version of S4C Clic remained available after a new version was released, but it used an outdated analytics pipeline that was no longer supported. Additionally, while login-free access was still technically possible on the older version, the updated app required login due to our evolved business strategy. These factors led to EOL for that particular version. In terms of the technical limitations and costs of supporting older IPS versions – Maintaining older versions of IPS becomes increasingly costly because of: - **Infrastructure Changes** – Older versions may rely on outdated APIs or services that are no longer supported (see example above).

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	- **Device and OS Compatibility** – Newer systems may not support older apps, requiring additional effort and resources to maintain. - **Security Risks** – Older versions may lack support for modern security protocols, which can cause an unacceptable level of vulnerability. - **User Experience Issues** – Outdated versions may not align with new user standards or features. - **Rising Maintenance Costs** – Supporting legacy versions requires ongoing troubleshooting, bug fixes, and testing, which eventually outweigh the benefits. Generally, older versions of our IPS are supported for as long as is feasible; they are retired when they become too costly or impractical to maintain. We would also note that breadth is an important factor, too. For instance, some TSS have over a hundred devices to support from multiple manufactures, each presenting their own challenges.