

Yvonne Matthews
5th Floor
Content & Standards
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA

15th January 2010

Dear Yvonne,

Participation TV: Rules on the promotion of premium rate services

UKTV is a major industry player and one of the most prolific multi-channel providers in the UK. Formed in 1997, it is an independent commercial joint venture between Virgin Media and BBC Worldwide, the commercial arm of the BBC.

Attracting 36.5 million viewers each month, the network offers a broad range of quality programming across its entertainment, lifestyle and factual offerings – Watch, G.O.L.D., Dave, Alibi, Eden, Blighty, Yesterday, Home, Really and Good Food.

UKTV currently operates 17 broadcast streams when multiplexes (+1s) and broadband are taken into account, and complementary websites for every channel brand.

UKTV has never been involved directly with Adult Chat or Psychic PTV but we welcome the opportunity to respond to this third consultation on the subject of Participation TV.

Question 1:

- a) Do you agree with Ofcom's assessment of those stakeholders likely to be affected by changes to the regulatory framework for Adult Chat and Psychic PTV services?
- b) Do you agree with our understanding of the industry and operators?

We agree with Ofcom's assessment of the industry and operators in this sector as well as the relevant stakeholders which are likely to be affected by changes to the regulatory framework.

Question 2:

Do you agree with our analysis of the options available for regulation of the promotion of premium rate services of a sexual nature, and

- a) that on the basis of options, a change to the existing rules appears merited?
- b) of the options presented, Option 4 meets the regulatory duties and suggests least potential impact on stakeholders?
- c) that the scheduling restrictions of 9pm to 5.30am and requirements for labelling and EPG position under option 4 offer appropriate protection for viewers?

We agree with Ofcom's analysis of the options available for regulation of adult sexual



from UKTV

PRS content and, given the audience research Ofcom has now undertaken and published, further agree that a change to the existing rules is warranted. We also agree that Ofcom's preferred option meets the regulatory duties and has the least impact on the relevant stakeholders. However, we believe Ofcom should conduct further research in this area once the new labelling proposals have been implemented, to ensure viewers have indeed been adequately protected. We have no strong view as to when this research should take place, but consider it logical that the new regulatory regime needs adequate time to 'bed-in'. If the regulator and/or platform operators receive a substantial increase in complaints, this would clearly indicate that the protection sought has not been achieved.

One additional comment is that some broadcasters have historically sub-leased their DTT capacity to services that fall under Participation PTV, albeit these have predominantly been Quiz TV formats. With the new labelling rules proposed, this would restrict the market for sub-leasing DTT capacity as it would prevent Adult Chat and Psychic PTV services operating on Freeview.

We agree that these restrictions offer appropriate protection. However, as indicated above, we believe Ofcom should conduct further research to ensure this protection especially if complaints in this area significantly increase.

Question 3:

Do you agree with our analysis of the options available for regulation of the promotion of live personal psychic services, and

- a) on the basis of the options, that a change to the existing rules appears merited?
- b) of the options presented, Option 4 meets the regulatory duties and suggests least potential impact on stakeholders?
- c) that the restriction of promotion to specific live personal psychic services and the requirements for labelling and EPG position provide appropriate protection for viewers?

Again, we agree with the proposals detailed by Ofcom with respect of Psychic TV services. However, as Adult Chat Services, we do believe that further research should take place as indicated above.

Question 4:

- a) Do you agree with the principles identified for changes to the Advertising Code rules on promotion of PRS of a sexual nature (rule 11.1.2) and psychic practices (rule 15.5)?
- b) Do you agree with the wording of the proposed rules? If not, please suggest alternative wording.

Again, we agree with the principles identified and the wording.

If you should have any further questions about our response, please do not hesitate to contact me.