Title:

Mrs

Forename:

Michele

Surname:

Clack

Representing:

Self

What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Question 1: What characteristics should the pay TV sector display in order to serve consumers best? :

Individual customers should be able to buy premium channels such as sport without buying any other pay tv content. This could be achieved by making it possible to buy the FULL VERSION of premium channels on platforms such as Freesat, and Freeview if technically possible. If I go to the supermarket to buy apples they do not insist that I buy oranges before they will let me buy any other fruit.

Also at the moment if I decide to change to Virgin or Sky in order to buy premium sports channels the only remotely affordable way to do it is to buy a bundle including broadband and phone. This is not fair to my current supplier of broadband and phone, TalkTalk, and ultimately is likely to lead to higher prices for these two services. This could well happen by squeezing out competitiors who supply only phone and broadband.

Question 2: Do you agree with the amendment to our criteria for assessing the pay TV market?:

It is ok as far as it goes but does not go far enough. I believe that consumers will only get a fair deal if they can buy premium channels without paying for any other channels.

Question 3: Why do consumers pay for TV services?:

Most people I know only pay for tv in order to access premium sport channels. Some also pay to access channels like Discovery Channel.

Question 4: Do you agree with our assessment of the relative importance of platform features and content? :

For most peole content is the big driver and platform features are just add on extras.

Question 5: Do you agree with our views on the importance of premium sports and premium movies content for competition in pay TV?:

I do not agree that premium channels should only be accessible by buying a pay tv platform. They should be as available to everyone as possible. It should be possible for example for people with not much money to buy a single sport channel for a limited period. This is the only way many people can participate in watching premium content. At the moment many people are completely disenfranchised and I believe that this is socially divisive. The needs of the consumer should be paramount not the needs of providers of pay tv.

Question 6: Are there any other international examples to which you would draw our attention?:

Question 7: Do you agree with our overall approach to market definition analysis?:

Question 8: Do you agree with our definition of the market for Core Premium Sports channels or do you believe it to be narrower or wider than we have suggested? If so, what specific evidence do you have to support your view?:

Question 9: Do you agree with our definition of the market for Core Premium Movies channels or do you believe it to be narrower or wider than we have suggested? If so, what specific evidence do you have to support your view?:

Question 10: How would you see the future development of consumers? viewing habits for sports and movies, and of the ways movies will be delivered to them? How would this affect market definition?:

Many more people would be able to access premium content if it was made available on free to air platforms.

Question 11: Does Sky have market power in the wholesale of Core Premium pay TV channels? :

Yes

Question 12: Do you agree with our conclusion that Sky has market power in the wholesale of Core Premium Sports channels? What specific evidence would you provide to support your view?:

Yes. Very few people that I know buy pay tv for anything else.

Question 13: Do you agree with our conclusion that Sky has market power in the wholesale of Core Premium Movies channels? What specific evidence would you provide to support your view?:

Yes

Question 14: Can retailers and / or platform operators get sufficient access to Sky?s Core Premium channels? :

No

Question 15: Have we presented a factually correct picture of current distribution of premium sports and premium movie channels?:

Yes

Question 16: Do you agree with the list of factors we present as being relevant when Sky considers whether to supply?:

Partially

Question 17: Do you agree with our presentation of the longer-term factors in Sky?s decisions to supply?:

Partially

Question 18: Do you agree with our discussion of the role of vertical integration?:

No.

Question 19: Do you agree with the figures we have presented to illustrate the playing-out of incentives to supply?:

Question 20: Do you agree with our proposal that it is important for multiple operators to have wholesale access to Core Premium content, rather than Sky retailing on others? platforms? :

Yes but that should include free to air platforms like freesat.

Question 21: Do you agree with our analysis of the profitability of Sky?s wholesale premium business?:

Question 22: What is the effect on consumers of the current situation with regard to access to premium content, now and in the future?:

Socially divisive limitation of access to premium content for many people.

Question 23: Do you agree with our analysis of the current situation with regard to choice, innovation, pricing and consumer satisfaction?:

Question 24: How would you see differently the future of pay TV as outlined in our ?forward look??:

No retailer. Channels should be available directly to the consumer

Question 25: Would you agree with our analysis of the likely effects of restricted distribution of Core Premium content on consumers?:

Up to a point

Question 26: What should we do, if anything, to tackle the problem we have identified relating to Core Premium content?:

Question 27: What would you see as the key objectives of any remedy in pay TV?:

Making premium content access a realistic possibility for most of the population.

Question 28: Do you believe we have identified the right list of regulatory options?:

No

Question 29: Have we made a suitable assessment of the option of taking no further action?:

No

Question 30: Have we made a suitable assessment that it would be more appropriate to use our sectoral competition powers than to rely on ex post action under CA98?:

Question 31: Have we made a suitable assessment of the option of pursuing a process under our sectoral competition powers?:

Question 32: Have we made a suitable assessment of the option of pursuing a reference to the Competition Commission?:

NO

Question 33: Do you agree with our discussion of the legal framework for a wholesale must-offer remedy?:

Question 34: Have we captured the potential impact on consumers and stakeholders in our preliminary impact assessment?:

NO

Question 35: If we were to pursue a wholesale must-offer, which retailers should be able to purchase what content on what terms?:

Should be available on all platforms direct to consumer

Question 36: What is your view on which retailers should be eligible for any wholesale offer?:

Question 37: What is your view on our decision to focus in this document on residential subscribers?:

Important

Question 38: Have we identified the right content and channels to be captured by any wholesale offer?:

Question 39: Have we picked up all the relevant issues to do with defining the wholesale product ? i.e. conditions on channels, technical distribution, format, interactivity, VoD? How would you suggest proceeding on any or all of these?:

No.

Question 40: Do you agree with our discussion of the need to set prices?:

Yes

Question 41: Do you agree with our characterisation of the two main approaches to setting prices ? retail-minus and cost-plus ? and the practical issues with each?:

Question 42: If we were to use a retail-minus approach, what would be the set of costs that we should take into account? Should we base the assessment on new entrant costs or on the costs of an efficient large-scale operator? :

Question 43: Have we identified the important issues related to commercial terms? How would you suggest proceeding on any or all of these?:

Question 44: In particular, how should we tackle the issue of security?:

Question 45: Is three years the right length of time before the first review of this provision? What factors should cause us to review it earlier than this?:

No. Should be looked at annually and an assessment done on the proportion of the population able to access premium channels.

Comments:

Please put the consumer first.