Name and title under which you would like this response to appear:

Anonymous 12

Representing:

Self

What do you want Ofcom to keep confidential?:

Keep name/contact details/job title 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:To what extent do you consider that DTT, DSat, cable and IPTV are in competition with one another for subscribers of pay TV services ? either at present or in the future?:

Unfortunately, they are to a small extent in competition. They shouldn't be. The capacity of DTT is so small that pay-tv should not be an issue on this platform at all. Every pay channel has the opportunity cost of obstructing a 'free' channel, or reducing the bandwidth available to free channels resulting in eg inability of the prime 5 channels (BBC 1, 2, ITV, C4, C5) to establish HD capacity on the DTT platform. The capacity of satellite and cable is essentially unlimited - let pay-tv compete there.

Question 2:To what extent do you consider the Proposal is likely to deliver benefits to the consumer?:

Not at all

Question 3:To what extent do you consider that there is scope for sustainable competition in pay TV on the DTT platform and, more broadly, across all pay TV platforms?:

Not at all on DTT.

On other platforms Ofcom should require that ownership of the platform (eg cable system, satellite platform) which in essence I suspect boils down to control of who can provide decryption facilities must be divorced from ownership of the channel. Eg rather like the rail system - one company might control the track (infrastructure), but is not competing against companies which want to sell transport services (deliver programming)

Question 4:What are likely to be the key aspects of competition between providers of retail pay TV services on the DTT platform? E.g. what is the role of premium sports and movies content?:

The only role for premium (pay-for) sports and movies content is to restrict choice on DTT and cement already existing virtual monopolies.

Question 5:Do you consider that if Sky were to become the only provider of pay TV on the DTT platform it would be likely to have a significant detrimental effect on competition in the long term? How might this affect the development of other platforms for the delivery of pay TV services?:

Yes
It would make deliver of other platforms almost impossible.

The real problem here is the joint owner ship of platform and content - which makes a viable entry into the market place by an alternate provider impossible.

Question 6:To what extent, if at all, do you consider that the Proposal would be likely to lead to any of the public policy concerns outlined at Section 4?:

Your conclusions under 4.2-4.5 are wrong. Removal of free channels and inclusion of pay channels on DTT will deter people from moving to the DTT platform from analogue signals.
Needing multiple boxes to decode encrypted signals will make a purchase decision harder - and hence stall adoption of DTT. (Notwithstanding the fact that all pay services should be removed from DTT)
If Sky wants to broadcast these channels on DTT - why not without encryption? Advertising revenue will more than cover the marginal costs of adding these channels to the DTT system

Question 7:Specifically, to what extent do you consider that the Proposal would be likely to lead to consumer confusion?:

Utterly.
Consumers know the DTT system as 'Freeview'. TUTV is a minor player - sky is

major and is known for Pay TV. It is obvious that many consumers will become hopelessly confused should this go ahead

Question 8:To what extent do you consider that it is beneficial for consumers to be able to obtain Sky and existing DTT pay TV content without having to purchase separate STBs?:

Given that pay content will be offered on DTT, the only sensible way is for all content to be handled by the same decryption hardware.
In addition to the confusion and expense a dual platform solution would cause, it will also add greatly to the carbon footprint of the DTT platform - as many people would be forced to run multiple STBs, where currently they only need one.
(The other (and more sensible) alternative, is for Sky to offer their proposed channels unencrypted - and advertising revenue will more than cover the marginal cost of adding these channels to DTT.

Question 9:Do you consider that the Proposal might lead to any additional public policy concerns:

Yes
The almost exclusive control of large parts of the UK media system by a foreign company should raise serious public policy concerns.

Question 10:If Sky becoming the only provider of pay TV services on the DTT platform were likely to have a significant detrimental effect on competition, do you consider that it is possible to address this through a set of additional conditions and/or directions? If so, what form should those conditions/directions take?:

(1) the best way is not to allow pay TV on DTT
(2) Separate ownership of infrastructure and content across the entire UK TV market - eg split Sky into two, a platform owner and a channel owner.

Additional comments: