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G6JPG

Representing:

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Keep part of the response confidential

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

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Yes

I confirm that I have read the declaration:

Yes

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

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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?:

Pay TV is in its infancy on the DTT platform. IPTV is in its infancy altogether. The main suppliers of pay TV services the majority of people will think of are cable and satellite. In areas covered by cable, they are in reasonably good competition; however, satellite has a much wider coverage. Therefore I would say that cable and satellite are the main competitors in a proportion of places, and in the remainder the majority of people will only think of satellite.

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

To the consumer willing to pay, the proposal will offer a somewhat wider choice - of programme types on DTT, and of delivery methods for pay content. To the consumer unwilling or unable to pay, it will actually deliver a reduction in choice, since the capacity is limited: the limited capacity is already causing problems, without the loss of more channels (which improvements in encoding will not fully compensate for, especially if compatibility with existing receiving equipment is to be considered, which I believe it should be).

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?:

With rather heavy-handed regulation, which would probably have to be ongoing not just in the initial phase, there is some scope on DTT. The regulation so required might cause potential suppliers to pull out, however. The DSat platform is more or less a monopoly already, and I find it difficult to see how this can be changed. IPTV is too much in its infancy for a proper answer to be given there.

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?:

It does appear that premium sports and movies are what the general British public are willing to pay for. Changes in the demographic may change this in time, but not I suspect in the timescales covered by this consultation. (Sex and/or pornography and like material may also appeal, but are likely to be limited by regulation, in hours broadcast if nothing else.)

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. Based on observation of the (pay) satellite market, I feel it would limit choice in a disadvantageous way - for example, by only offering channels in certain combinations rater than individually. How this might affect the development of other platforms is hard to say: if the general perception were to be that they would give the same sort of provision as presently offered, the interest might be a little reduced, but since any new platform would initially have a minority takeup anyway, it is hard to forecast.

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?:

FTA and perception: I do feel that this would be damaged. Partly because of successful marketing, the terms Freeview and DTT are synonymous to much of the public; if "FreeView" becomes increasingly not free, it will cause discontent. Furthermore, although the proportion of DTT viewing which is PSB is at the moment high, people will increasingly drift to the range of channels offered as they become used to those channels being available. If the choice (for those paying only the licence fee) is reduced, then while it will not greatly reduce digital takeup in total (since people are beginning to be aware they have no choice in that respect), it will significantly increase resentment.

It will certainly cause confusion (and some opportunity for deception) if multiple equipment becomes necessary; surely the industry can devise some method (e. g. the ability/necessity to use different plug-in cards, or something similar, a concept which I believe would be simple to understand) that avoided the necessity to use (and thus purchase) multiple STBs, other than the choice between a free-only and a pay-capable one.

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

(This question duplicates question 6 to some extent.) In the main, in the area of necessary equipment; also, more generally, there would be confusion unless the "FreeView" brand were to cease to be used.

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?:

To a great extent; however, unless Sky are to be obliged, either to only use the existing encryption system or to provide (via their chosen manufacturers) STBs compatible with both systems, I cannot see how the necessity is to be avoided if the proposal is passed. Under the current "light touch" regulation preferred by Ofcom, neither of these are likely to be enforced, therefore multiple STBs (for those wanting to receive all payTV) will be inevitable.

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

Increased demands for the licence fee to be abolished, with the resultant removal of the BBC, and the subsequent decline (due to reduced competition) in standards, in both technical and programme matters.

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?:

Limit the number of (simultaneous) channels permitted (which are in effect a reduction of choice for the non-user of pay TV).

This question is somewhat puzzling - if Sky have already become the only provider, I do not see how this can be "addressed".

Limitations on the types of equipment and/or encryption, and enfoced access for other providers, might mitigate somewhat.

Additional comments:

Currently, due to the limited capacity available, I fear I must really recommend the option which rejects the proposal; perhaps after DSO, and of course then only if additional multiplexes were to be created (perhaps using some of the spectrum currently scheduled to be "sold off", and making at least some provision for HD television too, both pay and free), the matter should be addressed again.