

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

Anonymous 154

Representing:

Self

What do you want Ofcom to keep confidential?:

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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?:

I do not consider DTT to be in competition with other platforms as far as pay TV is concerned, even including TUTV. Also the restricted bandwidth should rule out further division of DTT be that through new technical specifications or a new pay TV service that's incompatible with existing STBs.

DTT is a replacement for the analogue service and as such should be: (a) Free, and (b) shouldn't be viewed as a brand new source of easy revenue for the Government.

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

I envisage very few benefits to the consumer. It will almost certainly cause confusion given that there will be essentially four types of STB (Card less, with a card, TUTV and Picnic) plus PVRs as well. This service could damage the appeal of Freeview by taking away three channels which are only available via subscription.

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?:

There is little scope for sustainable competition, if this service were to go ahead it's not very likely that TUTV would continue for much longer. Channels may be inclined to encrypt and join the proposed service, damaging Freeview appeal.

I believe that there is simply not enough bandwidth on DTT to allow for competition. OFCOM made a large error by lifting the pay TV restrictions this has given Sky the ability to go for a land grab and prevent free channels from broadcasting on DTT.

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?:

Due to the restricted bandwidth there are only very restricted roles that pay TV can play, as is quite clearly shown by this proposal and TUTV being mainly an 'overnight' service. Such a 'crippled' service wouldn't really be competing with the fully fledged services offered through cable, satellite and IPTV.

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?:

Sky is already the dominant pay TV operator in the country, by introducing it to DTT it's likely that TUTV will not survive. The 'picnic' service will then likely become a feeder service for their main DSAT service. Quite simply it will damage pay TV competition (by possibly getting rid of TUTV) and it will damage Freeview through taking up bandwidth that could be used for free channels and possibly in the future getting channels to join their pay TV service.

As in question 4, the limited service that's offered due to bandwidth restrictions on the platform will not lead it to have a significant effect on other pay TV services.

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?:

It will have an effect on Freeview, and could possibly damage it. Many people I know watch Sky News and Sky Sports News and their only way of getting them is through Freeview.

I believe there is a conflict of interest as it's plain to see that Sky would/is in competition with Freeview and any damage it can/could do would be beneficial.

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

It's quite clear that it would. There is already consumer confusion with the system as it is. Cowboy aerial installers fitting so-called 'digital aerials' and fleecing consumers. Confusion over what boxes do what; Setanta, TUTV, normal and now PVRs. To add another box to the mix and a conversion to MPEG-4 as well as DVB-T2, possibly making all current hardware obsolete wouldn't only lead to confusion it would almost certainly result in a consumer backlash.

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?:

I think it's important to limit additional confusion, I do not agree with having this proposed service, but were it to launch it should be compatible with the existing service. This wouldn't cause too much confusion and would make sure that the prices were kept low.

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

I think there is a strong likelihood that some channel may switch to pay TV if this service launches, this would damage Freeview especially if this were to happen before DSO.

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?:

Other than restricting the service to exactly what it was when it started be that 3 channels or the original bandwidth used, no.

Additional comments:

This service will quite clearly be used as a 'taster' for the real Sky service. It will likely be used to get people to enter the pay TV market, get used to it and then get the full service; as such it will not be in proper competition with other pay TV services as it is so restricted.

It is extremely likely that the premium content will be shifted around the Sky channels to make sure that there isn't too much on the picnic service, this will ensure it doesn't damage Sky's main service. You need only look at what has happened since Sky One left Virgin Media, suddenly Champions League matches have started appearing on Sky One instead of on the sports channels. This was also done during the days of ITV Digital to entice viewers to the Sky platform, it's unlikely to be any different when

picnic launches.

The coverage given by the COM muxes post DSO is significantly less than the PSB muxes and much less than DSAT coverage. The obvious solution would be for Sky to offer this service through their DSAT platform, it would be very simple to setup as all components are already available and wouldn't cause anywhere near as much consumer confusion especially at this critical time running up to DSO.

And finally; the restricted bandwidth on DTT should preclude it from these 'land grabs' there simply isn't enough bandwidth.