

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

Anonymous 183

Representing:

Self

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Yes

I confirm that I have read the declaration:

Yes

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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?:

1. I believe DSat, cable and iptv to be in competition with each other.

However these platforms are design to be in competition with each other, where as DTT is designed to be a replacement of analogue TV where there is no need for competition! Top up TV is not true competition for the fact they take up little space of the spectrum on the DTT platform in mostly the early hours of the morning where it does not take away from the general publics viewing. Where as the sky offering of picnic will. Thus making Top up TV?s good idea of a service which does not detract from the publics viewing less tempting. Picnic would then be competition on DTT with not much hope of any other competition arising in the same way.

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

2. In respect of this offer there will be little to no benefit to consumers, for the fact there will be less spectrum for the general public to have viewing pleasure from and will scuffer future development of this platform (i.e. High Def) and will also entice

other broadcasters to join i.e. Disney and possibly TMF/MTV or even UKTV. So where the proposal is for 3 stations (4 including Disney) to be removed it possibly may turn in to 6 stations being removed with scope for more in the future vastly decreasing benefits to consumers. Whilst increasing the cost of spectrum to the other free to air broadcasters.

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?:

3. The future would look bleak for any competition on DTT, with Sky's financial muscle power if they wished they could buy up all available and future available spectrum to halt future development of the Freeview service and any competition. Not only this, the use of the Picnic service would/could be used as a way of switching consumers from DTT to DSat by the means of contact when signing to the picnic service making all other platforms at a disadvantage by not having the same presents to do so.

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?:

4. The service Sky's proposing is very flooded. The amount of content would/will be very limited due to the fact of the amount of spectrum available. The cost of the new STB would not justify the content available unless Sky bought more spectrum to enhance their offering, however if this were to be done it would put financial strain on all free to air broadcasters increasing the premiums they pay for their spectrum. As this would/should be levied the content would be very weak and a waste of spectrum which could/should be used as it was intended for free to air TV. This would only affect DTT not other retail pay TV which is the problem.

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?:

5. If Sky gets the go ahead this will have without a doubt a huge significant detrimental effect to competition due to the very limited spectrum on the DTT platform and the cost of it. Sky already has content and space on this platform as well as a huge amount of cash to invest behind them.

In my opinion no other operators could afford a sustainable pay TV service on this platform if Sky gets the go ahead and in my belief it would also damage the free to air broadcasters as competition as well.

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?:

6. In the marketing side of the world/UK this could/will be a big concern for the public, pay TV operators and free to air broadcasters.

The public need to have a straight answer to Digital Switch Over, as well as a offering which will be future proof and sustainable, with developments of High Def as well, consumers will be put out by the thought that such an offering like Picnic will scuffer plans to an extent for offerings like High Def as well as Freeview playback, to have to many offering the consumer can be tricked in to having Picnic as an offering in belief this will be the best choice for them because its backed by a well know brand Sky.

This would also put other pay TV operators in a lesser situation due to not having their name in the lime-light possibly making their consumer concerned about the future of their provider.

Again as a member of the public, I would be concern about the possible loss of free to air channels as well buying a product which could become obsolete 1 or 2 years after buying it in the belief I was ready for Digital Switch Over.

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

7. The number of options for consumers at this point in time is over whelming with options like...

Sky, Virgin Media, Topuptv, BT vision, Freeview, Freesat from Sky, Freesat from FTA Broadcasters in 2008, Tiscali TV and other IPTV providers.

As well as the set top boxes themselves...

Freeview STB, Freeview playback, DTRs, Sky STB, Sky+, Cable box etc the list is huge. Especially when they offer you internet and phone services on top of this.

Now also with the fact of possible changes to Mpeg4 and more, consumers are already confused.

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?:

8. There will be some benefit however this would mainly only benefit Sky as it would be cheaper to market and give them the edge over other competition by being able to promote DSat when people show an interest. To that end consumers would then have a separate STB to connect in any case.

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

9. Without a doubt it has already caused concern in the eyes of the..

Public
FTA Broadcasters
Manufacturers
Ofcom
Pay TV operators
Retailers
and private groups around the UK

There is no doubt more Public policy concerns WILL turn up.

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?:

10. Looking back in hindsight Ofcom has made a mistake in lifting the ban on pay TV on said muxes. If this plan goes ahead now or in the future in my view Ofcom would have shot itself in the foot again and would be powerless to make assertive changes.

Sky should not be allowed to be in the position to become the only pay TV operator on DTT and the only way I see this happening is to take action now and say enough is enough Sky is in the strongest position it's ever been in and has no need to enter into the pay TV market on DTT. If they want their pay TV on DTT they should only be allowed to do it via DTT IPTV.

Additional comments:

ADD. This is a huge marketing trick from Sky, I believe Sky is a great British company on DSat and that is where it should stay.

The space Sky have was pretty much gifted to them when Freeview first came about for free to air TV channels.

If Sky remove their free to air channels this spectrum space SHOULD/MUST be taken back and put into use by broadcasters who want to be part of the Freeview platform or for future High Def use. I am sure I speak for a majority of the FTA UK.