

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

Anonymous 19

**Representing:**

Self

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

e mail.

**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?:**

At present it is clear that Sky TV's dominance is threatened by the emergence of newer, different providers of pay tv content. Whether this is based on other "extra" value added services is beside the point. A broadband provider who is also providing TV content is still bound by the broadcasting acts and Ofcoms regulation.

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

I do not believe that Sky's Picnic proposal delivers any benefits to consumers.

1. It will restrict other operators who wish to provide DTT on a free to air basis.
2. It will allow Sky to claim dominance of pay tv on DTT overnight due to their experience, and resources.

3. It will restrict the number of free to air channels to consumers AFTER they have been sold the idea of more channels if they "go digital".

**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?:**

At the moment Sky have a developed business providing pay tv on DSAT and they are rightly profitable and proud of this product. it is a worlbeater. But ultimately it is an addition to the free to air services which have been allowed to develop since Freeview was launched from the aborted ITV Digital.

Sky are the pay tv experts but they are not comfortable bedfellows when it comes to competition. Their recent fillibusting of Virgin by the purchase of ITV shares should be a sign that Sky does not welcome competition.

**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?:**

Is there a role for pay Sport and movie content on DTT ? If so it should be provided as ADDITIONAL bandwidth becomes available on DTT. the resource is at present scarce and this proposal would make it scarcer still to the non paying consumer.

Premium movie content could be provided by SKY using their present Sky 3 offering by showing such content overnight having developed a pay per view concept similar to Setanta.

**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?:**

Any monopoly is a bad thing.

**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?:**

No comment.

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

The consumer has a clear choice. free to Air DTT with a couple of value added channels (Setanta /Red Hot) and a pay TV proposition from Sky. (Even though Freesat is available) . Freeview and digital changeover has been based on an easy to

understand, install proposition. Picnic would confuse this option as it relies on new, different technology and essentially "owns" a consumer once they have purchased a different box to access Picnic and freeview.

**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?:**

It is vital that consumers should be able to purchase a single standard STB. this will change over time with the introduction of HD but at the moment in the throes of switchover Picnic merely muddies the water. it also gives Sky a role as gatekeeper. this is not acceptable.

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

How is broadcasting to be regarded in this country ? Is it a resource to be used to generate cash for the likes of SKY ? Is it to be hijacked by the introduction of extra technology between the provider and the consumer ? Or is it a vital and precious resource to be fiercely defended and regulated ?

**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?:**

I do not believe that one operator of pay tv on DTT can be sufficiently regulated through contractual conditions.

**Additional comments:**

Freeview is a great idea which is just now coming of age. To allow another operator to hijack this resource by introducing different access technology would be an error of judgement. It is confusing for the public and ultimately reduces public choice. Also the proposal suggests the replacement of Sky News as a 24 channel on freeview. Is it desirable to have one provider (BBC) on DTT as the only 24 hour news provider on TV ?