

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

Anonymous 22

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:

Yes

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 that DTT is in competition for pay services. The great success of Freeview stems from its open standards and freedom from contracts, commitments and pay services. To reduce the number of free channels on Freeview at the expense of a tiny number of pay services using proprietary standards harms the platform and damages the reputation of the platform at a time when this is least helpful, namely during digital switchover.

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

If you want pay services, you normally want lots of choice. A small handful of pay services on Freeview just doesn't cut it, and this adds nothing of value to the market. Consumers are better served by keeping Freeview free as much as possible.

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 plenty of scope for competition between Satellite, Cable and IPTV, where your choice of platform is based on the choice of pay services you require. There can never be any sustainable competition on DTT within the limited bandwidth available, as is proved repeatedly in the failure of OnDigital, ITVdigital, and multiple variations of TopUp TV.

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?:

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, very significant. Sky can afford to subsidise the inevitable losses on DTT and undercot rivals on the platform and use its service to promote its Satellite offering, whereas other providers have no such cross subsidy available to them. This can only distort the market and destroy any existing subscription services on DTT.

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?:

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

Greatly. Freeview, and hence digital switchover, benefits greatly from the open nature of the DTT platform, and introducing extra pay services that require different receivers, different recorders, different iDTVs (as if that's ever going to happen!) harms the platform. It is only in Sky's interests to harm the Freeview platform and drive viewers to Satellite.

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 absolutely essential that, if you are to have any pay services on DTT, that they are compatible with existing set top boxes, PVRs, and iDTV's.

Question 9:Do you consider that the Proposal might lead to any additional 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?:

They should be compelled to use MPEG2.

They should be compelled to use open standards throughout.

They should be forbidden from cross-promoting their satellite services/channels.

They should be forbidden from subsidising the channels out of revenue from satellite operations.

Additional comments: