

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

Anonymous 31

**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:**

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?:**

All services are in competition but Sky satellite has a overall reach that puts them at an unfair advantage to any incumbant or entrant into PayTV

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

Minimal benefit. A small number of viewers with no access to satellite euipment will be able to access a tiny proportion of the satellite payTV offering.

**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?:**

The spectrum available on DTT is so small that there is almost no scope for pay TV to coexist with a meaningful FTV offering. Emphasis should be placed on Free To Air services to ensure the widest possible choice to viewers.

**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?:**

Serious confusion for consumers and a reduction in competition as Setanta and TopUpTV are unable to compete with Sky's 3 play offerings and massive marketing budgets.

**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. Sky have consistently refused to licence their encryption technology on Dsat enabling them to maintain a stranglehold on High Definition content for the majority of the UK viewership.

Sky have also successfully used their monopoly on Dsat encryption to squeeze other providers (i.e. Virgin media) and reduce competition in that market. It seems naive to believe that they would behave in a competitive and open manner in DTT were they allowed to introduce a new encryption system.

**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?:**

With TopUpTV, Setanta and Sky offering 3 different and in one case deliberately incompatible systems will confuse consumers. It is already impossible to buy Dsat equipment that ISN'T supplied by Sky in most high street shops. Faced with consumer complaints about incompatibility retailers will drop Setanta and TopUpTV and offer Sky on DTT and Sky on Dsat.

**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?:**

A level playing field for payTV with hardware that must be compatible with the existing broadcast standard promotes competition for receiving equipment, views and allows new entrants (BT and Setanta et al) to challenge the major incumbent payTV suppliers (Sky and Virgin)

**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?:**

Open access to the encryption system & broadcast standard (as mandated for CAM on PayTV in the USA) would level the playing field for equipment providers and entrant payTV providers.

**Additional comments:**

Sky have behaved in a broadly anticompetitive manner on Dsat. They have consistently annexed sport and entertainment content from the general viewing public to promote their core Dsat offering. They have also raised the costs to end users over the last few years resulting in fewer people having access to more channel choice. Allowing them to remove 3 FTA channels to introduce a PayTV service can only undermine the Freeview offering at a critical point in the digital switch over process. Doing so reduces consumer choice at the lower income end of the viewing population and can only damage consumer choice. Permitting them to introduce a closed platform with an incompatible access and broadcast system is a waste of bandwidth and can only exclude new entrants who are unable to expend the vast costs of hardware development in addition to broadcasting.