

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

Michael Bannister

**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?:**

Totally.

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

Because it requires a different specification STB and CA system, these outweigh any benefits at this time of providing additional pay TV services with a proprietary STB and CA system.

**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 scope across all platforms but as expressed in 'Competition Concerns' 3.59 and following, without careful regulation and control, there is an extreme likelihood of one provider stifling competition plus perhaps displacing other existing Free to View services.

**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?:**

I would be worried about the about the wholesale providers being able to fairly negotiate with retail ones on an equal basis. Although not in the industry, from the outside I see efforts to stifle competition in the BSkyB/Virgin Media dispute and the BSkyB purchase of ITV shares at a crucial time.

**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?:**

Totally and from current experience of how the company operates, it would, not unnaturally attempt to avoid future competition.

**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?:**

In 4.2 of the consultation document is very relevant. The success of the Freeview platform is of the basis of FTV channels and choice. As expressed in Question 3, there is an extreme likelihood of one provider stifling competition plus perhaps displacing other existing Free to View services. Also covered in 4.3-5.

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

I would expect a lot of confusion and loss of consumer confidence, especially if BSkyB was allowed to introduce a new STB standard which would only be an interim one. 4.7-12 well covers the actual STB concerns which are real and anti-competitive to other Pay providers.

**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?:**

Essential if BSkyB are to be given the go ahead in any form. Since the proposal to use MPEG 4 initially has been withdrawn, the only motive for having a proprietary STB and CA system would seem to be stifle competition. Well publicised disputes between BSkyB and the BBC/ITV over the Satellite platform NDS CA system use/cost is a guide to what may happen on the Freeview platform.

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

If I understand the question, yes from the point of diminishing the FTV choice and the dominance of BSkyB stifling competition.

**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?:**

This would be extremely difficult but a start would be to limit the extent of pay TV services on the non PSB multiplexes.

**Additional comments:**

Because of the association of BSkyB with pay TV, this is bound to affect the Freeview brand particularly if they are allowed to have their own standards on an already established and successful platform. I believe in order to extend choice, Option 2 could be accepted using existing standards and CA systems and limited to the 5 channels proposed. OFCOM needs to have a firm hand to ensure pay TV does not take over the non PSB multiplexes.

For the forthcoming DVD-T2 standard, a common standard should also apply ensuring that different CA systems are available on the one STB.

As a private individual who values the Freeview platform, I don't pretend to have addressed all the issues you raised but have given my main concerns about accepting Option 1 which in my view, would be deliberately anti-competitive and detrimental to the Freeview platform. I am a subscriber to the BSkyB satellite platform.