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

Anonymous 49

## 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?:

There is an increasing degree of competition between the various platforms, that is likely to increase in the future as more people adopt digital tv.

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

This proposal will not benefit the average dtt 'freeview' consumer as it will reduce content. For those who are prepared to pay for premium content, I do not think that DTT would be the choice of platform, due to the fact that there will be a wider choice of premium content on other platforms which have the space more content at better value prices.

## 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 limited scope for competition on the DTT platform in this form. Tiscali's/BT vision's use of IPTV is the most unique way to develop competition. Sky's proposal will add little and probably prove to be an expensive alternative to other forms of pay 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?:

I do not think that premium sport and movies is a primiary concern for most people using the DTT platform - rather it is regarded to be a free service to replace analogue tv. If people want premium sport and movies there are other methods - such as iptv (works particaulrly well for movies)and obviously cable/satellite. Top up tv provides a unique service that is not overly expensive - it focuses on non premium content - which most dtt indiviuals are likely to prefer. Sport could become an issue - the best way for this to work is for DTT to be an open platfrom whereby all providers in the future (BT, top up, possibly sky) are able to sell access to broadcast channels - top up, sentanta and BT vision already do this with sentanta sports - Sky's proposal threatens to end this precident - which should not be allowed.

## 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 - this is a serious problem - it is called monopoly - Sky already are the dominant pay tv provider in the UK via satellite. DTT offers an alternative broadcast environment for certain channels. Sky could set orices particularly high on the DTT platfrom as a means to drive people to their more superior satellite service. Sky have also show their ability to set high costs for access to epg, and content - there is a danger this could be extended to 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?:

increasing number of different providers on DTT and the possible need for a number of different boxes to access all pay tv services on DTT.

## 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?:

I think that this is a major issue. I already have two set top boxes to access top-u tv pay elements and BT vision's IPTV programming. The thought of having to have a third set top box is not appealing and in so I am unlikely to have all services. There is an environmental/safety concern here too - once we had a tv and a video - now we are likely to have a video/dvd player and upwards of three set top boxes piled under our tvs. For some people this is likely to force them to a provider that can provide most services via one box - at the minute this is sky (if you include Sky by broadband/anytime service). Sky could set prices high to force potential subscribers of all DTT services to move to satellite as a means to get better value for money - this is anticompetitive. If sky's services were available via current boxes (ie top up) and vice versa then this might not be so much of an issue...

## 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?:

these two options are most important - (1) requiring Sky to make some or all of its channels available to other retailers on a wholesale basis, subject to certain conditions in relation to wholesale pricing. These conditions would seek to address concerns relating to the wholesale provision of content.
(2) requiring the retail and/or wholesale provision of channels by Sky to be subject to certain conditions relating to technical platform services. These conditions would seek to address concerns relating to incompatibility of pay TV services and set-top boxes and wholesale platform access.

## Additional comments:

Top up TV should be considered a gatkeeper of pay tv via dtt transmission (not IPTV) - sky should work with top-up tv to prevent this small company being put out of business by anticompetative moves such as restricting content etc.