

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

Anonymous 61

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?:

non - just personal identifying data.

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?:

The presence of TopUPTV and BT Vision on the DTT platform make it a limited, small scale competitor to the cable and Dsat platforms for pay services.

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

There are no benefits to the consumer in B SkyB reducing the number of free to air channels on the DTT platform.

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 little positive scope for competition within the DTT platform especially where this required the use of differing CS technologies.

All services on the platform should be compatible and complimentary as is already the case with Setanta and TopUP.

If Sky wish to charge for their channels they should have to work with other providers in order to achieve this, not be allowed to set up a parallel service.

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?:

One of the biggest obstacles facing BT Vision and TopUP is the perceived lack of premium content - the accepted drivers for PayTV take up.

Any entry by Sky into a DTT based pay platform should be via BT Vision and/or TopUP in the same way that the placing of their services on cable is achieved by dealing with Virgin Media in its role of 'gatekeeper' and the addition of channels on DSat is via Sky.

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, just as there has never been any realistic opportunity of a new DSat pay provider (Sky = DSat in most consumer's minds) so a Sky dominance of pay services on DTT would all but eliminate the prospects of

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?:

The loss of 100% of the sports coverage and 50% of the news provision is clearly against the public interests and could serve to diminish the

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

The perception of Freeview as a lowcost entry into digital services would be placed at significant risk given the advertising muscle of Sky which would inevitably flood the consumer press with adverts for their DTT service.

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 essential that any Sky service use existing STBs. They could partner with TopUP TV or BT Vision to make this possible.

There is no consumer interest in forcing more box types on to the market which would lead to consumer confusion very close to DSO.

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?:

No, Sky becoming the only pay provider would hand them control of pay services on both dominant digital platforms.

This would in essence be a monopoly with consumers outside cable areas having no choice of provider.

Under no circumstances must any BSkyB pay service given the go-ahead be allowed to use the Sky name or existing sky channels/ channel names. A wholly separate company should be required to operate these, no use of subscribers details to further the Sky DSat services must be allowed and the use of broadcast advertising for Sky's DSAT services must be restricted to a prescribed number of hours per week.

In addition they should be required to make content available to TopUP and BTVision.

This would help ensure they compete on a more equal footing to existing DTT pay providers and any which emerge in future.

Additional comments:

If Ofcom granted this proposal it would be failing to act in the wider public interest.

Sky has the ability to attract DTT homes to its pay services by offering better value for money. Here it seeks to hijack a platform it has long derided as a counterpoint to the increasing perception that its Dsat services represent poor value.

This proposal is not good for the consumer. If Sky wishes to monetarise its DSat streams it should be allowed and encouraged to sell or sublet them and exit the platform.