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

Anonymous 81

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?:

The Freeview platform is not in competition with DSat, cable or IPTV at present. Freeview currently appeals to a different market: those who do not wish to pay for television services. Top Up TV provides some degree of competition to the other platforms through the pay services it offers.

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

I do not believe the proposal will deliver any benefit to the consumer. Freeview has been a runaway success - overtaking DSat and cable in numbers of viewers - precisely because it offers a broad choice of free-to-air channels.

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?:

I believe there is sufficient competition in the pay-TV market from the various DSat, cable and IPTV services already available. I also fail to see how allowing Sky to increase its dominant share of the pay-TV market can have anything but a detrimental effect on competition. I can also envisage Sky using its financial might to price Top Up TV out of business and no doubt take over its multiplex.

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?:

No view.

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?:

No view.

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?:

I think Ofcom underestimates the detrimental effect on FTA channels on DTT. Channel slots are valuable on Freeview and they have recently been in demand by 'premium quality' channels (e.g. Virgin 1) that are not affiliated to PSBs. To reduce the number of available slots by three would diminish the ability of Freeview to offer a broad range of quality FTA channels.

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

It would lead to considerable confusion in two respects:
- the Freeview brand would be further diluted, and its association with FTA would be diminished. This has already been seen since the advent of Top Up TV, with consumers and the media persistently using the term Freeview to refer to Top Up TV's pay channels.
- Sky's insistence on using its own *proprietary* conditional access system would confuse consumers by resulting in two different systems.

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?:

This would have a detrimental impact by reducing competition in the conditional access and set top box market. Furthermore, I cannot think of many members of the public who would wish to obtain both Sky satellite and DTT pay services.

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

It is not acceptable for Sky to be allowed to use publicly-owned spectrum to push its own proprietary conditional access technology, particularly given that Sky owns not only the encryption technology but also the means to manufacture set top boxes through its purchase of Amstrad.

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. The main point is that the provision of FTA content should not be eroded on the DTT platform.

Additional comments:

Sky and the other Freeview partners were awarded the licence to their multiplexes on the basis of a wholly-free service, in favour of partial pay services proposed by other consortia. I do not believe anything has happened in subsequent years to now make a partial pay service a more desirable option.