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

Anonymous 94

Representing:

Self

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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?:

There is some competition between DSAT and Cable for pay TV subscribers, where cable is available. There is far less competition between DTT and other platforms for subscribers, as the pay TV offering on DTT is so limited. IPTV is available to very few at the moment, and so has limited possibility to compete. I consider that the future will bring far more opportunity for IPTV, as bandwidth availability increases for home broadband subscribers. DSAT and Cable, dominated by two players, will continue to compete for subscribers. I hope that DTT is given over entirely to non-subscription services in the future.

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

I don't think that the proposal will deliver benefit to the consumer. Pay TV, if desired, is available to most via either the DSAT and some via Cable platforms. No additional value will be created by delivering a little more pay TV content over DTT. In fact, the value of DTT will be decreased if even more of its available bandwidth is taken up by pay TV.

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 don't think the addition of a second pay TV provider on DTT is sustainable. Recent history has shown us that mergers are the eventual outcome of competition on the same digital TV platform. Over all platforms, we have seen that there is scope for competition between the two providers with access to platforms that can offer the largest number of pay channels, DSAT and Cable, and I expect this to continue between Sky and Virgin for some time.

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?:

Sport is probably the content category with the most scope for competition on DTT, as Top up TV currently offer Setanta without competition on DTT. I would expect Sky to compete with this, but I would think that they would be more interested in offering a 'taster' of sports, whilst moving a lot of their premium sports to other Sports channels only available on other platforms. We have seen that this is their stragety with Sky 3 on DTT, and indeed Virgins strategy matches, with Virgin 1 on DTT. So I don't think that the possibility of competing with Top Up TV/Setanta on DTT is as attractive to Sky as the prospect of pulling DTT users away to the DSAT platform and a full Sky subscription will be.

Movies will be less of a point of competition on DTT, as DTT is already served by an excellent, free movie channel, Film4.

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?:

Sky already dominates the DSAT flatform. Domination by Sky of a second platform as a pay TV service could be detrimental to the ability of other providers to compete with Sky. Virgin and Top-up TV rely on access to non Sky dominated platforms to compete for subscribers. However, I don't feel that DTT is the place for Sky to be competing for subscribers at all, as the DTT platform, a great asset to the UK's digital future, should remain largely free to air.

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 proposal would have a detrimental effect on the public perception of the Freeview platform, which would be seen to be moving away from 'free' towards 'subscription' and domination by Sky. I believe that it is a great asset to the UK to have a freely available multi channel digital TV service, and as much of the bandwidth as possible on DTT should be given over to free, quality channels, including Sports channels (currently absent)

Sky's use of NDS CA encryption technology has resulted in subscribers having to buy DSAT receivers made to Sky's specifications to receive their pay TV service, which has allowed them to more effectively corner their market. Sky may wish to do the same on the DTT platform, utilising a bespoke technology that would require those wishing to receive both Top Up TV and Sky, or switch from one to the other, to potentially need two different STB's. This will lead to confusion and unnecessary cost. Having said that, I do think that DTT will inevitably need to move, and will benefit from moving to MPEG4. This should be a co-ordinated effort between all users of the platform, and manufacturers though, rather than a move forced by Sky.

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

See my answer to Q.6. Two different technologies and two different STB's on DTT would lead to confusion. The simplicity of freeview, and possibly also the current low cost of SDB's that make it so attractive to consumers that don't want to pay for TV, would be polluted.

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 would say that it would be advantageous, if there wasn't so little room on DTT. Adding Sky pay TV services to DTT would simply reduce the amount of free content on DTT, whilst adding very little additional pay TV to the platform. There is the possibility of Sky adding some of their content to the existing Top Up TV service, and perhaps this could be explored.

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

I think that there is a great concern that the Freeview brand will diminish in value if Sky's proposals go through. Public policy should be there to ensure the free, quality nature of the DTT platform. There is still much to be done in evolving policy to favour providers of quality content, rather than Shopping and Quiz channels. I know this is an unpopular view, with many consumers and policy makers feeling that DTT slots should be available to those that bid successfully for them, but I feel that the selection process should include an element that looks at criteria such as content type (to ensure a balance of different content categories are available) and content quality.

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?:

If they were, I would be disappointed at Ofcom;s failure to prevent this, but if they were, I would expect Ofcom to ensure that Sky were not allowed to crowd out free channels, were required to offer good value, and not just 'taster' channels like Sky 3, and were not allowed to dictate the technology/encryption requirements to receive the service.

Additional comments: