

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

Avoiding DTT fragmentation

**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:**

Yes

**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?:**

They are all in competition with each other for advertising and viewing figures

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

There is obvious increase in viewing choices. However a huge risk that sky will attempt to either monopolise access to DTT via its own STB, or simply try to reduce Freeview's value and desirability in order to promote its satellite and future IPTV services.

**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 for pay tv competition on DTT but strong regulation, and a willingness to impose strict conditions will be necessary to avoid dominant broadcasters on other

broadcast platforms using their 'clout' to undermine or effectively take over current DTT 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?:**

**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, An example is that live football is only now available on its own and not part of a SKY bundle in the UK after the arrival of setanta on freeview. Sky is also known for taking imported programming such as "LOST" away from terrestrial channels. It has not done so to increase choice but mainly to undermine the existing channels which are investing in DTT. Its purchase of a stake in ITV was another example of it trying to hobble its 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?:**

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

The timing of the proposal is so that when households forced to go through the digital switchover in the next few years sky can confuse the marketplace and make itself the default choice (or lack of)

**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 paramount that DTT is not fragmented into multiple STBs which would shortly lead to SKY becoming the only paytv provider on DTT through its dominance elsewhere and much larger marketing budgets. This would prevent new paytv entrants as is the case currently on satellite.

**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?:**

To avoid completely wasting the recent advances in DTT growth and development the following must be adopted.

MPEG4 transmission must be reserved for HD transmissions only. That way consumer confusion about available services will be reduced.

It is essential that sky adopts the existing encryption /decoder cards used by current dtt pay-tv providers, or is forced to fund the migration of existing dtt pay tv to an open, fair, non-discriminatory encryption system that current and future providers can use, with one decoder card used for all providers

Additionally any new encryption system must have Conditional Access Modules (CAMs) available for use in existing IDTVs (DTT TVs with a slot for a CAM)

**Additional comments:**

Sky has effectively avoided any competition from other pay-tv satellite broadcasters by having control of the encryption standard used. This is evidenced by the difficulties and threats many of the terrestrial channels have faced when attempting to transmit unencrypted "in the clear" via satellite