

**Title:**

Mr

**Forename:**

John

**Surname:**

Fagan

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

J Fagan

**Representing:**

Self

**What do you want Ofcom to keep confidential?:**

Keep nothing 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?:**

I consider all but DTT to be in competition for pay-tv subscribers. DTT, in my view, does not offer enough choice or value compared with basic offerings from Sky/Virgin Media/Tiscali TV.

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

I don't think the proposal benefits the consumer, as the choice of Sky over DTT and Sky over satellite is the same choice that many people - mostly who have DTT - have rejected as consumers.

**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 DTT has the capacity to sustain competition on the platform or even against other platforms. Compared with the multi-channel offerings from other platforms they are clearly more suited to providing greater value than pay-tv on DTT to consumers.

**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?:**

I think Sky's pay-tv on DTT would be a further restriction on Virgin Media's ability to compete harming competition in the pay-tv market.

**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?:**

I think at this crucial time before DSO the proposal would further confuse consumers who fail to make the distinction between DTT and Freeview.

Further, I think it'd confuse consumers who would expect the full range of Sky channels via 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 believe its essential that any service be compatible with the current hardware and software used by pay-tv boxes on DTT, as Sky using proprietary hardware like they do on satellite restricts competition in the hardware market and ensures Sky's dominance of digital satellite in the UK through the EPG and NDS encryption services.

**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?:**

If Sky wish to offer pay services on DTT I think it'd be preferable for TUTV to offer the services and a rate card established to regulate the price the channels are sold at to Top Up TV.

**Additional comments:**