Title:

Mr

Forename:

Robert

Surname:

Moore

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

Mr R Moore

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?:

There is clear competition between the different broadasting platforms, and that is likely to increase in future years. This is generally positive and allows those who wish to pay for premium services the means to do so through a clear alternative system.

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

The increase of Pay TV services on the DTT platform is a very dangrous development. Most people in Britain have chosen not to pay for their television entertainment. Those who do tend to pay for sport and movies, very few choose to pay for services which could be seen as public service broadcasting. The take up of Freeview through the DTT platorm has been very successful. principally because of the word "Free" in Freeview. People are relatively happy with the core channels and have been pleased to extend their viewing choices without paying subscriptions. The removal of free channels from the DTT service, and their replacement with Pay channels will adversely affect the overall success of the DTT platform and ultimately damage the move towards digital switchover.

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 should not be any Pay TV on the DTT platform, but since we are stuck with TopUpTV, let's not add more Pay TV to the mix and confuse the poor consumer. The fundamental difference about what Sky are trying to do is removing free channels from the platform and leaving those viewers who don't want to pay with LESS choice.

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?:

If Sky are alllowed to take this route they will have the ability to outbid for all the best content in sport and movies, on the basis that there service is available to every household in the UK, and the Freeview service will become more and more niche as the key programming becomes subscription only and the "free" offering becomes only those programs that SKY cannot make money out of.

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's Pay TV prescence on DTT would inevitably damage the other Pay TV operators both on DTT and other platforms as it would give Sky a stranglehold over the bidding price of programming, effectively squeezing other bidders out of the market. Eventually the prescence ot these other players in Pay TV would be reduced or eliminated, leaving Sky in a hugely dominant position.

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?:

If Sky were allowed to move from free channels to Pay channels, then other broadcasters might decide to follow the same model. For example Film4 and E4 might choose to become subscription only again, and the viewer would suffer a loss of choice.

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

Consumers have just got around to the idea that Freeview is the replacement to their rooftop aerial, if we now start confusing them with the idea that they can pay a monthly subscription for further services, then many (especially vulnerable consumers, elderly, poor etc.) will resist moving to new equipment and will be caught out when digital switchover happens.

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?:

The need to buy a further STB will destroy confidence in the whole digital TV exercise. To proceed successfully, it is important to have the support of the viewing audience. People have spent their hard-earned money on new technology, on the advice of information films by the BBC and the government, if they find the equipment they have bought is already outdated, they will quickly lose confidence in those messages and this will jepoardise support for switchover. For TopUp TV, the supply of Sky STBs (no doubt discounted to new subscribers), will almost certainly be detrimental. These STBs will favour the Sky channels and make delivery of opposing pay TV services difficult, inconvenient and potentially impossible. (Note the current situation between Sky and Virgin)

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

Sky's hold on the PAY TV market through satellite is already monopolistic, if they are allowed access to the DTT pay TV market in the same unchallenged manner, broadcasting in this country will shift into the hands of big business, and the public service broadcasting model (on both the BBC and the independent channels) which has been the envy of the world will wither and die, starved of the talent and funds which allow it to create quality home-grown progamming aimed specifically at a British audience.

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?:

I do not feel that conditions to control competitiveness in this area will work. The power of a broadcaster who will be able to dominate all the means of delivery and squeeze out all others will be almost impossible to manage, and Ofcom will be left imposing tiny sanctions around the edges, whilst Sky will be able to do pretty much what they choose.

Additional comments:

Ofcom has the power to upset the broadcasting landscape in a way that will change it permanently in the most fundamental way. With that power goes enormous responsibility, and as a viewer, I need you to take seriously my opinions. No organisation should be allowed to remove Free- to-Air channels with subscription only channels. That betrays the whole Freeview ethos and the choice which digital promises. If Sky does not wish to provide a Free-to-Air offering, they can always auction their channels and let someone else enter the arena. And if they wish to offer a subscription service, let them bid for TopUp TV channels, which are already subscription only, and thus the Freeview viewer would not be deprived of the services they had been promised when in good faith, they bought their equipment.