

Title:

Mr

Forename:

Tony

Surname:

Pitt

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

Tony Pitt

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?:

Why does Ofcom -- for analytical purposes -- segment the market between pay TV and FTA TV? The distinction between pay TV and FTA TV is not relevant for competition purposes. For example, Google email competes with pay-email services. Consumers will select the product of their choice according to their utility.

Television will likely continue to fascinate viewers and be consumed in large amounts by the public for the foreseeable future. Provided that barriers to entry are low and state intervention is kept to a minimum, there should be no shortage of firms that are willing to compete either as pay TV or FTA television providers.

As a consumer, the big problems for competition are (i) the limited reach of the cable platform and (ii) slow broadband speeds. The DTT and DSat platforms are nearly universal and provide good competition to each other.

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

That depends on Sky's subsequent actions (quality, price, service). Ofcom likely possess no evidence to doubt Sky's ability to deliver benefits to consumers at this time.

It was the hallmark of discredited 'command and control' regulation to ask whether new proposals really deliver benefits and require the new provider to demonstrate such. It was always the means by which incumbents maintained barriers to entry. Light touch regulation, by contrast, really should not ask this question.

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?:

In order to promote greater competition on the DTT platform, Ofcom should urge the government and BBC Trust to limit the BBC's usage of the DTT platform, particularly with channels such as BBC 3 and 4 and BBC Parliament -- channels with very limited public appeal.

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?:

Ofcom should not attempt to predict the key elements of future competition. It's a nebulous point and really unanswerable. We know content is important, but the particular type of content is not terribly important.

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?:

There will probably continue to be a mix of pay and FTA options for consumers. In the end, the means by which the television is funded is probably irrelevant.

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?:

No opinion.

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

I think it is unlikely consumers will be confused by permitting Sky to sell pay TV services to them on a voluntary basis. If confusion results, Sky would suffer financially. Accordingly, Sky has a strong incentive to reduce or eliminate confusion related to its proposed service offering.

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 beneficial, but only marginally so... Consumers purchase Xbox or PS3 gaming systems, for example, that do not have compatible game titles. Similarly, a Nectar card cannot be used at Tesco. Accordingly, consumers are accustomed to this 'problem'. In fact, to switch from cable to DTT or from DTT to DSat a consumer already needs to switch equipment as well... The Sky proposal will not change this seemingly fundamental feature of the media marketplace.

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

No opinion.

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 opinion.

Additional comments:

Ofcom in this case appear to be over-reaching in its analysis of Sky's proposal. Certainly with Sky's track record of providing good service to consumers, there is no reason for Ofcom to unduly intervene with regulatory 'solutions' to problems that may never surface.

Competition on the DTT platform and competition between the DTT platform and other platforms are important issues to consider but in this case Ofcom is presented with a simple proposal -- will it permit Sky to offer legal services to willing customers

on a voluntary basis?

Of course it should.