Question 1: Do you agree that it is appropriate for Ofcom to issue guidance about the Data Limit on DTT multiplexes?: Yes

Question 2: Do you agree with Ofcom?s proposed guidance on these issues?: Microsoft welcomes this draft guidance, which provides very helpful clarity in most areas. In particular we welcome the clarification of the time period for the percentage calculation, and support the 24-hour proposal in paragraph 2.30.

There are just two areas where we consider that further clarification is necessary in preparing the final version of the Guidance Note, as explained below:

1. Ancillary data for teleshopping channels
It remains unclear whether further information about items being sold on a teleshopping channel can be included within the 90%. In paragraph 2.11 the draft guidance allows for this possibility, but goes on to suggest that it is unlikely to be available in practice because of difficulties in distinguishing such information from advertising. This is not a clear position on which industry can make sensible service plans.

From a viewer perspective there is an important difference between supporting information for a shopping channel, and standalone advertising related to programme service. For example, a data service providing supplementary information about items being sold (size, weight. colour, descriptive details etc) on a shopping channel is qualitatively different from an advertisement to visit a theme park riding on the back of that park being featured in a programme. It is a direct enhancement of the service and more analogous to backup address details being given for organisations mentioned in a programme. We suggest therefore that in providing further guidance on this point, Ofcom distinguishes between ?standalone? advertising, and information such as that suggested here for a shopping channel which does not stand on its own but directly enhances the viewing experience of the programme service.

2. The technical basis for the percentage calculation
There is a lack of clarity in the draft guidance about the technical overheads that are to be excluded from the overall bit-rate before making the percentage calculations.

In paragraphs 2.15 and 2.16 the draft guidance suggests that the data used to populate receiver EPGs will be considered as programme-related and within the 90%. However, in paragraphs 2.25 and 2.26 it suggests that all SI and PSI information will be considered as part of a technical overhead excluded from the calculations. We believe that programme-related EPG information should be included within the 90% irrespective of whether it is provided via SI / PSI.

More particularly we believe that the final version of the draft should contain a definitive statement of any overhead figure, so that the regulator and industry alike can make the percentage calculations on the basis of agreed numbers.

Question 3: Are there any other issues relating to the data limit on DTT multiplexes which Ofcom should give guidance on?: No