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**CONFIDENTIAL**

28 September 2007

Dear Mark,

**Hutchison 3G UK Limited (“H3G”) comments on “Ofcom’s Second Review of Public Service Television Broadcasting: terms of reference” (the “Terms of Reference”), published 11 September 2007**

H3G is pleased to have the opportunity to comment on the terms of reference for Ofcom’s recently announced second review of Public Service Television Broadcasting (the “PSB Review”). H3G welcomes the recognition in the Terms of Reference that “new ways of delivering content to consumers and citizens” may “create new opportunities for achieving the goals of public service broadcasting, as well as posing new challenges”.<sup>1</sup> The Terms of Reference also state that Ofcom will “examine the significance of new services and platforms in the context of the future of PSB as a whole, and the potential role for a PSP”.<sup>2</sup>

However, the Terms of Reference do not explicitly recognise the increasing role of mobile platforms in the delivering of PSB content and H3G considers that this is a serious omission. The purposes of PSB set out in the Terms of Reference (after paragraph 1.14) include informing and increasing understanding, stimulating interest in knowledge of arts, sciences, history and other topics that is accessible and can encourage informal learning, strengthening cultural identity and make us aware of different cultures and alternative viewpoints. Clearly the meeting of these objectives is now significantly augmented by the mobile services provided by H3G and other 3G operators. In listing the recent developments and new methods of delivering PSB content in paragraph 1.9 the Terms of Reference omit any mention of mobile broadband and mobile delivery of television and information services. Mobile broadband (and 3G services in particular) is available now and mobile TV services can be provided over such platforms today. H3G provides live streaming services for ITV and BBC channels (through a trial service) currently and would be happy to show and explain such services further to relevant members of the Ofcom team.

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<sup>1</sup> Paragraph 1.3 of the Terms of Reference.

<sup>2</sup> Paragraph 1.31 of the Terms of Reference.



In the timeframe for the review set out in the Terms of Reference (2008-2016) mobile TV could be delivered through a range of different platforms, potentially including broadcast platforms.<sup>3</sup> Streaming services available through IP mobile broadband platforms are already available to 3G customers and penetration of 3G services and handsets is now increasing rapidly. Availability of PSB content is one key driver of such penetration and therefore an important part of delivering mobile broadband services to UK consumers and citizens. H3G has previously highlighted the importance of PSB content to this process and the potential wider benefits which could ensue. As such, H3G is disappointed that the Terms of Reference do not explicitly include consideration of mobile broadband platforms and urges Ofcom to remedy this and include such consideration in the review.

Yours sincerely

A handwritten signature in black ink that reads "Matthew Cherry". The signature is written in a cursive, flowing style and is centered on a light-colored rectangular background.

Matthew Cherry  
Economist

cc     Dougal Scott  
       Tim Lord

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<sup>3</sup> The European Commission has recently published its support, for example, for a harmonised European DVB-H standard for mobile broadcast services.