

Consultation response form

Please complete this form in full and return to BBCthree.assessment@ofcom.org.uk

Consultation title	Review of rules for prominence of BBC Three: Consultation on proposed changes to the linear EPG Code
Full name	
Contact phone number	
Representing (delete as appropriate)	Organisation
Organisation name	
Email address	

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.	Do not attribute response to anyone\company (which I have removed)
Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.	None so long as it is not attributed to anyone\company name (which I have removed)
For confidential responses, can Ofcom publish a reference to the contents of your response?	Yes – so long as it is not attributed to anyone \ company name (which I have removed)

Your response

Question	Your response
Question 1: Do you agree with our provisional view on appropriate prominence for BBC Three? Please provide evidence to support your views.	It would appear that Ofcom's provisional view falls within the set criteria of a PSB being given prominence, however we do not believe the criteria should be followed in this instance for several reasons which we outline below.
Question 2: Are there any material impacts that we have not considered and should be	Given BBC3 previously held a prominent EPG position which they vacated when they determined to remove the channel from linear

included in our analysis? Please provide details and evidence to support your answer.

TV and bearing in mind the fact that the proposed target audience for the new channel is 16–34-year-olds, and **the channel will ONLY broadcast from 7 pm thru 4 am**, we do not believe the relaunch of BBC3 should be given any prominence at all. Any relaunch of BBC3, should result in the channel simply being given the next available LCN at the end of the channel listing on ALL platforms (Freeview, Sky, Virgin, Freesat).

Throughout the consultation document you reference a report Ofcom commissioned from EMP in 2018 in regard to the value of EPG slots. Furthermore, at point A1.43 (b) you state “We have not made any adjustments since 2018 to EMP’s predicted sale prices of EPG slots, as we do not consider there have been a sufficient number of sales of slots on the Sky or Virgin EPGs since 2018 to merit updating EMP’s report. **In addition, it is not clear there have been significant changes in the market for EPG slots which could potentially invalidate the existing estimates of EPG slot sale prices,** therefore we believe our estimates provide a reasonable proxy of the ongoing costs to commercial channels which move down slots on the Sky and Virgin EPGs”. This is entirely incorrect and misleading. The Sky EPG slot marketplace has “crashed” since EMP prepared their valuation report back in 2018, many EPG slots now have a significantly lower value and this is combined with reduced advertising revenues. A single LCN position move\moving down a page on any of the platform EPG listings, especially for a more niche channel, could be devastating to their audience figures and advertising revenues.

Following the “crash” of the Sky EPG marketplace, many smaller broadcasters have closed down, and were unable to trade\sell their EPG slots/LCNs, and thus they simply “handed them back” to Sky. This clearly contradicts your statement above and at A1.43 (b) where you say “... it is not clear there have been significant changes in the market for EPG slots....”

Additionally, given more and more viewing is moving away from Linear TV to streamed and

	<p>on demand services, then the allocation of an LCN of prominence for BBC3 could have even more detrimental effects on the channels which have to move down the channel listings. And given BBC intends targeting an age group that streams more TV than watches it on Linear platforms, this in our opinion, reinforces the fact that BBC 3 should not be allocated a position of any prominence, and thus the LCN Policy should not be changed to accommodate BBC3.</p>
Question 3: Do you agree with our proposed implementation period of 18 months?	<p>We believe it is irrelevant, since we do not believe BBC3 should be given a slot of any prominence for the reasons outlined above.</p>