

**Representing:**

Self

**What do you want Ofcom to keep confidential?:**

Keep name 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

**Comments:**

**Question 1: Do you agree with Oxera's approach to the valuation of Sky's intangible asset base? :**

**Question 2: Do you agree with Oxera's approach to assessing Sky's profitability?:**

**Question 3: Do you agree with our assessment of Sky's weighted average cost of capital? :**

**Question 4: Do you agree with the conclusions we draw about Sky's aggregate profitability? :**

**Question 5: Do you agree with the conclusions we draw about Sky's profitability at a disaggregated level? :**

**Question 6: Do you agree with our characterisation of the relationship between high wholesale prices and retail pricing? :**

Yes

**Question 7: Do you agree with our view that it would not be more appropriate to proceed in relation to some or all of the matters in question under CA98?:**

**Question 8: Do you agree that a wholesale must-offer is in principle the best way of answering our concerns around restricted distribution of Core Premium channels? :**

Yes, or through increasing the number of protected sports events,

**Question 9: Do you agree with our proposal not to apply a remedy to wholesalers without market power?:**

Yes

**Question 10: Do you agree with our proposal not to extend a remedy to retailers on Sky's own platforms? :**

Yes

**Question 11: Is it necessary for us to set the prices of a wholesale must-offer? :**

Yes, without this Sky will continue to profiteer!

**Question 12: Do you agree with our overall price-setting approach of using retail-minus, with a cost-plus cross-check?:**

Yes, so rival broadcasters could (if they choose) use sports or movies to bring an element of price competition into broadcasting of sports in particular, which at present simply does not happen. it would also discourage sky from inflating their retail price.

**Question 13: Do you agree with our proposal to include HD and primary interactive sports content in a remedy?:**

Yes

**Question 14: Do you agree with our views as the concerns relating to commercial premises? :**

Yes

**Question 15: Do you agree in principle that our retail-minus calculation should start from Sky's retail prices and deduct the retail costs of an efficient entrant?:**

Yes, although this would provide an incentive for Sky to increase their retail prices. Average prices charged should be used to prevent continuous price discounts to sky customers, with a nominal retail price very few people actually pay (as with Standard variable rates on mortgages before the change in the market) used to calculate the wholesale price.

**Question 16: Do you agree with our proposal to set simple linear prices per subscriber, allowing flexibility for other pricing structures?:**

without doubt.

**Question 17: Do you agree with our proposal for wholesale prices to evolve over time according to a 'ratchet' approach and how should these prices track retail prices over time?:**

**Question 18: Do you agree with the principle that the same price for a 'factory gate' product should apply to all retailers regardless of their scale and choice of distribution technology?:**

**Question 19: Do you agree with our approach for deriving starting retail prices given the complexity of retail bundling?:**

Yes

**Question 20: Do you agree with our calculation methodology to deduct retailing costs ? in particular the use of a discounted cashflow analysis, deduction of incremental and pro-rated fixed and common costs, and the use of Sky's costs as an efficient retailer?:**

**Question 21: Do you agree with our proposal to focus on deriving prices for a 'large' entrant scale retailer using DTT transmission and what are your views on our range of prices?:**

**Question 22: Do you agree with our approach to deriving a wholesale price for HD services and what are your views on the resulting range of prices?:**

**Question 23: Do you agree with our proposals for non-price terms ? in particular on Minimum Qualifying Retailer, Minimum Security Requirements and a Reference offer?:**

**Question 24: Do you agree that a wholesale must-offer remedy is unlikely to contribute significantly to the administrative costs currently incurred by Sky?:**

Yes

**Question 25: Do you consider that our impact assessment above supports our view that it would be appropriate to impose a wholesale must-offer obligation in the form proposed in order to ensure fair and effective competition?:**

Yes

**Question 26: Do you have any comments on the draft wording of this condition, in light of the positions we have set out in the previous two sections?:**

**Question 27: Do you agree with our proposed approach to addressing concerns about the restricted exploitation of SVoD movies rights? :**

**Question 28: Do you agree with our proposed way forward on FAPL?:**

Yes, the current virtual monopoly of is very unhealthy for consumers, and damaging to the long term interests of the national game. The inability of children in particular to see high quality football, rugby and cricket on television will have long term implications for participation in those sports and therefore the physical and mental health of the nation, as well as leading to customers being exploited.

**Question 29: In particular, what remedies do you believe we should consider on FAPL, if any?:**

FAPL games should be available on a number of platforms, with price competition amongst them. Even enabling other providers to use sky sports as a loss leader to win market share. However care must be taken not to destroy the market for TV rights, as without this the quality of the product (in comparison with other european leagues) would be diminished. The FAPL do not stick to the spirit of european legislation designed to prevent a monopoly by having one package (the one ESPN have now bought) being of significantly lower quality than the others all owned by sky. Having more equal quality of packages would avoid this, however it could result in consumers having to buy two premium subscriptions instead one. I also think for the future of English cricket action needs to be taken to remove Sky's monopoly of test matches and 20 twenty.