

**Forename:**

Ian

**Surname:**

brook

**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: What characteristics should the pay TV sector display in order to serve consumers best? :**

**Question 2: Do you agree with the amendment to our criteria for assessing the pay TV market?:**

yes there should be amendments, the power of the pay tv sector to keep entertainment programs off free to air channels with there buying power mean there should be a change's

**Question 3: Why do consumers pay for TV services?:**

**Question 4: Do you agree with our assessment of the relative importance of platform features and content? :**

**Question 5: Do you agree with our views on the importance of premium sports and premium movies content for competition in pay TV?:**

**Question 6: Are there any other international examples to which you would draw our attention?:**

**Question 7: Do you agree with our overall approach to market definition analysis?:**

**Question 8: Do you agree with our definition of the market for Core Premium Sports channels or do you believe it to be narrower or wider than we have suggested? If so, what specific evidence do you have to support your view?:**

**Question 9: Do you agree with our definition of the market for Core Premium Movies channels or do you believe it to be narrower or wider than we have suggested? If so, what specific evidence do you have to support your view?:**

**Question 10: How would you see the future development of consumers? viewing habits for sports and movies, and of the ways movies will be delivered to them? How would this affect market definition?:**

**Question 11: Does Sky have market power in the wholesale of Core Premium pay TV channels? :**

yes they do I note a number of program have been taken off free to air channels due to the power of sky in the market place, this means you have to buy the dvd Box set if you don't want to pay for sky

**Question 12: Do you agree with our conclusion that Sky has market power in the wholesale of Core Premium Sports channels? What specific evidence would you provide to support your view?:**

**Question 13: Do you agree with our conclusion that Sky has market power in the wholesale of Core Premium Movies channels? What specific evidence would you provide to support your view?:**

**Question 14: Can retailers and / or platform operators get sufficient access to Sky?s Core Premium channels? :**

no

**Question 15: Have we presented a factually correct picture of current distribution of premium sports and premium movie channels?:**

**Question 16: Do you agree with the list of factors we present as being relevant when Sky considers whether to supply?:**

**Question 17: Do you agree with our presentation of the longer-term factors in Sky's decisions to supply?:**

**Question 18: Do you agree with our discussion of the role of vertical integration?:**

**Question 19: Do you agree with the figures we have presented to illustrate the playing-out of incentives to supply?:**

**Question 20: Do you agree with our proposal that it is important for multiple operators to have wholesale access to Core Premium content, rather than Sky retailing on others' platforms? :**

**Question 21: Do you agree with our analysis of the profitability of Sky's wholesale premium business?:**

**Question 22: What is the effect on consumers of the current situation with regard to access to premium content, now and in the future?:**

sky will always dominate and unless there are changes to the way things are done then there is no hope for the future of free to air channels

**Question 23: Do you agree with our analysis of the current situation with regard to choice, innovation, pricing and consumer satisfaction?:**

**Question 24: How would you see differently the future of pay TV as outlined in our 'forward look'?:**

**Question 25: Would you agree with our analysis of the likely effects of restricted distribution of Core Premium content on consumers?:**

**Question 26: What should we do, if anything, to tackle the problem we have identified relating to Core Premium content?:**

**Question 27: What would you see as the key objectives of any remedy in pay TV?:**

a level playing field for free to air channels

**Question 28: Do you believe we have identified the right list of regulatory options?:**

**Question 29: Have we made a suitable assessment of the option of taking no further action?:**

**Question 30: Have we made a suitable assessment that it would be more appropriate to use our sectoral competition powers than to rely on ex post action under CA98?:**

**Question 31: Have we made a suitable assessment of the option of pursuing a process under our sectoral competition powers?:**

**Question 32: Have we made a suitable assessment of the option of pursuing a reference to the Competition Commission?:**

**Question 33: Do you agree with our discussion of the legal framework for a wholesale must-offer remedy?:**

**Question 34: Have we captured the potential impact on consumers and stakeholders in our preliminary impact assessment?:**

**Question 35: If we were to pursue a wholesale must-offer, which retailers should be able to purchase what content on what terms?:**

free to air should have first refusal

**Question 36: What is your view on which retailers should be eligible for any wholesale offer?:**

free to air

**Question 37: What is your view on our decision to focus in this document on residential subscribers?:**

**Question 38: Have we identified the right content and channels to be captured by any wholesale offer?:**

**Question 39: Have we picked up all the relevant issues to do with defining the wholesale product ? i.e. conditions on channels, technical distribution, format, interactivity, VoD? How would you suggest proceeding on any or all of these?:**

**Question 40: Do you agree with our discussion of the need to set prices?:**

**Question 41: Do you agree with our characterisation of the two main approaches to setting prices ? retail-minus and cost-plus ? and the practical issues with each?:**

**Question 42: If we were to use a retail-minus approach, what would be the set of costs that we should take into account? Should we base the**

**assessment on new entrant costs or on the costs of an efficient large-scale operator? :**

**Question 43: Have we identified the important issues related to commercial terms? How would you suggest proceeding on any or all of these?:**

**Question 44: In particular, how should we tackle the issue of security?:**

**Question 45: Is three years the right length of time before the first review of this provision? What factors should cause us to review it earlier than this?:**

**Comments:**