

Title:

Mr

Forename:

Paul

Surname:

Davies

Representing:

Organisation

Organisation (if applicable):

The Cricketers Arms

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? :

Sky should make available sport on a pay per view basis for establishments that cannot afford the cost of a 'package' with a minimum contract period of 12 months.

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

yes

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

To receive broadcasts that are too expensive to acquire for free-to-air channels.

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

yes

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

yes

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?:

yes

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?:

Not enough emphasis on the commercial market of Pubs, Clubs and Hotels who pay subscription based on rateable value of property. This method of pricing does not correlate to numbers of screens and viewers.

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?:

yes

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?:

I would like to see the availability of pay per view for sport and movies. The removal of a subscription charge and minimum contract lengths. There is no sense in subscribing to a package in which you have interest in only 20% of the content.

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

yes. It abuses this power by marketing the content in 'packages' which includes content that may not be required by the consumer.

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?:

It abuses this power by marketing the content in 'packages' which includes content that may not be required by the consumer. These packages are prohibitively expensive to organisations like ourselves who are only interested in a small fraction of what is available.

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?:

yes

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?:

yes

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

yes

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

in parts.

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

In parts

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

yes

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? :

definitely yes

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

I have not enough experience to comment.

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

Access to the premium content I am interested in is only available from Sky. It is only available with Sky equipment and a Sky subscription.

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

As far as we are concerned there is no choice.

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

More pay per view without subscription and content availability from more than one supplier. I would also like to see the dependence on providers equipment to be reduced to enable competition.

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

yes

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

More pay per view without subscription and content availability from more than one supplier. I would also like to see the dependence on providers equipment to be reduced to enable competition.

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

Open the availability of premium sport content to more than one supplier and available on more than one platform.

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

not sure

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

not sure

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?:

do not know

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

not sure

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

yes

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

do not know

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

do not know

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

do not know

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

do not know

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

It is unfair to the commercial sector who have very little support for the way in which they are treated by Sky.

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

do not know

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?:

do not know

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

do not know

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?:

do not know

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? :

do not know

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

do not know

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

do not know

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?:

No, technology is advancing at a rate that I feel three years is too long.

Comments: