

Title:

Mr

Forename:

Chris

Surname:

Fox

Representing:

Self

What do you want Ofcom to keep confidential?:

Keep nothing confidential

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: Do you agree with our current view that under the Proposal, Sky would be likely to emerge as the sole or main retailer of pay TV services on DTT, given its market power in the wholesale markets for Core Premium channels and its incentives to withhold its Core Premium channels from other retailers of pay TV services?:

Yes I agree and I think that would be an unwise situation for consumer choice, channel availability, and general competition on the DTT platform.

Question 2: Do you agree with our current view that the emergence of Sky as the sole or main retailer of pay TV services on DTT and the consequent adverse effects on competition would be likely to occur in a relatively short timeframe?:

Yes indeed.

Question 3: Do you agree with our current view that Sky should not be prohibited from retailing pay TV services on DTT provided that its Core Premium channels on DTT are made available to its retail competitors on a suitable wholesale basis?:

No, I strongly believe the DTT platform should remain FREE to all. All pay options should be removed.

Question 4: If we were to consent to the Proposal, subject to a condition that Sky must make its Core Premium channels available to competing retailers on a suitable wholesale basis, do you agree that it would not be necessary to impose additional conditions addressing the provision of TPS by Sky?:

No

Question 5: Do you agree with our current view that the Proposal is unlikely to have a significant adverse effect on the DSO process or the appeal of Freeview to consumers?:

I think it WILL have an adverse effect if Sky's current free channels on Freeview are removed. I think it WILL have an adverse effect on consumers who are yet to move to DTT as having a Sky paid-for service on there will confuse people as to what the DTT platform is.

Question 6: Do you agree with our current view that the extent to which the Proposal may increase complexity in the decision-making process for consumers wishing to buy DTT reception equipment, this issue can be managed effectively without the need for imposing relevant conditions on Sky?:

No, DTT is meant to be the main platform after DSO and therefore should remain free. Other services should remain completely separate - preferably not on the platform at all. Sky would essentially have a monopoly on DTT for pay services, just like they do for satellite. Allowing them to launch a paid for service on DTT would be a backwards step.

Question 7: Do you consider that to the extent the Proposal may lead to a (greater) conflict of interests between Sky and the other members of DTVSL (the company which operates Freeview), this is a matter which in the first instance should be resolved by the relevant parties through commercial negotiation?:

I think it would be a huge conflict of interest and if Picnic was allowed to launch, Sky should be removed from the Freeview board.

Question 8: Do you agree with our current view that a wholesale must-offer arrangement, under which Sky must provide wholesale access to its Core Premium channels on DTT, is the most appropriate solution for us to pursue to address the competition concerns we have identified?:

Yes but pricing limitations must also be included in this arrangement, ie otherwise Sky will just keep raising prices.

Question 9: Do you agree that simulcrypt is the most appropriate means of allowing multiple retailers to have access to Sky's Core Premium channels on DTT?:

Dont know.

Question 10: Do you consider that Sky or relevant third party retailers on DTT would be provided with an incentive to reduce the effectiveness of a wholesale must-offer arrangement? If so, in what ways might they seek to achieve this?:

Yes, by raising prices, by using uncommon technical standards or the need for highly specialised equipment. They may also change content on their 'core' channels so that other new channels become their main ones. Sky will do anything!

Question 11: If we were to consent to the Proposal subject to a suitable wholesale must-offer arrangement being put in place, do you consider that any ancillary conditions would be required to ensure that it was workable from a commercial and technical perspective? If so, please explain: (i) the ancillary conditions that would be required and the specific concern(s) they would seek to address and (ii) why there would be no other practicable and less restrictive means of addressing the concern(s) in question:

Yes, pricing limitations, agreed equipment needs, encryption etc

Question 12: Do you consider that our indicative analysis, summarised at paragraphs 4.7 to 4.12 and set out more fully in Annex 6, supports our current view of whether we should opt for Option 1, Option 2 or Option 3?:

Dont know

Comments: