Name and title under which you would like this response to appear:

Anonymous 117

Representing:

Self

What do you want Ofcom to keep confidential?:

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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:To what extent do you consider that DTT, DSat, cable and IPTV are in competition with one another for subscribers of pay TV services ? either at present or in the future?:

At present only DSat, Cable and IPTV are in competition with each other in terms of pay TV services. The demise of OnDigital and the recent changes to TopUpTV show that. Unless TV channel capacity can be significantly increased on DTT it will never be serious competition to DSat, Cable and IPTV which house hundreds of channels.

It is possible that Setanta may succeed due to the targetting of a specific (sizeable) audience.

Question 2:To what extent do you consider the Proposal is likely to deliver benefits to the consumer?:

I do not believe the proposal will deliver any benefits to the consumer. If they want these new services then they have to buy a new box for only 5 extra channels. Three of these five channels are already on Sky, it is likely the other two will be also.

This seems to be a ploy from the largest PayTV player to either
1) diminish the appeal of Freeview by removing a significant number of FTA

channels, and
2) entice people to switch to its DSat service, or
3) use their monopoly to squeeze other PayTV providers away from DTT.

Sky have not been noted in the past for allowing their channels to be screened by other providers. Had they done so, TopUpTV (in its original form) might have stood a chance and reasonable competition on the PayTV market might have occurred.

As it is, the conern I have is that Sky will become the dominant PayTV player on 2 out of the 3 main broadcast platforms (not counting IPTV which is in its infancy)

Question 3:To what extent do you consider that there is scope for sustainable competition in pay TV on the DTT platform and, more broadly, across all pay TV platforms?:

While DTT is limited to the number of channels it hads there can only be competition between platforms. And it is unlikely that the PayTV available on DTT will be any competition to DSat or Cable because of this.

Question 4:What are likely to be the key aspects of competition between providers of retail pay TV services on the DTT platform? E.g. what is the role of premium sports and movies content?:

n/a

Question 5:Do you consider that if Sky were to become the only provider of pay TV on the DTT platform it would be likely to have a significant detrimental effect on competition in the long term? How might this affect the development of other platforms for the delivery of pay TV services?:

If Sky was the only provider of PayTV on DTT then we have a situation where one company controls a majority of the pay TV market. I don't see how this can encourage competition. Sky barely has any as it stands since it has about 70% of the market.

Question 6:To what extent, if at all, do you consider that the Proposal would be likely to lead to any of the public policy concerns outlined at Section 4?:

Question 7:Specifically, to what extent do you consider that the Proposal would be likely to lead to consumer confusion?:

If you need more than one box to receive different services but both will also receive some of the same services (ie. the FTA ones) then consumer confusion will reign. What happens if Sky decide to pull out of the PayTV DTT market altogether? If there is still another PayTV provider that consumers want to switch to then they will have to buy yet another box. This is hardly FREEview.

Question 8:To what extent do you consider that it is beneficial for consumers to be able to obtain Sky and existing DTT pay TV content without having to purchase separate STBs?:

Should Sky or any other company want to offer PayTV services then there should be a common platform. This way there is true competition and no consumer is left in the lurch if a compnay pulls out.

Question 9:Do you consider that the Proposal might lead to any additional public policy concerns:

Question 10:If Sky becoming the only provider of pay TV services on the DTT platform were likely to have a significant detrimental effect on competition, do you consider that it is possible to address this through a set of additional conditions and/or directions? If so, what form should those conditions/directions take?:

Sky have shown that their attitude to competition is laughable. Their spat with Virgin Media, the purchasing of a large stake in ITV are just two examples. Additional conditions should not be an option, a company that flagrantly disregards competition should not be rewarded by being allowed to operate PayTV on DTT until it can demonstrate that it can deal with competition.

If, however, it is allowed to operate PayTV on DTT then it should be subject to the condition that it uses the same Condition-Access technology as the existing providers, only this way can there be genuine competition.

Additional comments:

An option that perhaps should be considered is that Sky are forced to license their current capacity on Freeview for a couple of years to FTA providers, who if successful could keep the license for longer. If the FTA channels don't succeed then Sky could be given the option to operate PayTV.