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

Anonymous 146

Representing:

Self

What do you want Ofcom to keep confidential?:

Keep name/contact details/job title 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: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?:

Very much so both now and in the future - the three 'established' platforms (DTT, DSat and Cable) have one payTV operator operating on each to widely varying degrees of success.

I think now the cable companies have merged into one company (Virgin Media), in the coming years they will be in a better position to compete with Sky over satellite as they will be in a better position to offer services such as on-demand content and a wider range of HD programming, due to the capacity constraints on Satellite which don't affect cable, in addition to the fact Cable is less prone to interference due to climate conditions.

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

I see very little consumer benefit from the proposal - according to OFCOM's own figures, only 1% of the UK is not covered by the digital satellite signal, whilst around 75% of the UK is currently covered by DTT.

I therefore can only deduce that the proportion of the population that will get any new service from the proposed change will be very small, and be greatly outweighed by those that would lose the services currently provided by BSkyB on Freeview (Sky Three, Sky News and Sky Sports News).

As for areas that have coverage both from DSat and DTT, it seems logical that consumers who would be interested in a premium selection of channels would therefore go with the platform that offers the full package of those channels, and therefore choose to be supplied by digital satellite rather than the new proposed service on DTT.

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?:

Because of the lack of capacity on the DTT platform compared to other platforms, I see very limited scope for two rival providers to compete for payTV revenue on the platform, regardless of how much of the current capacity is switched from free channels to pay. In addition, I think a lot of people still remember ITV Digital when the matter of pay services over DTT is mentioned.

The scope for competition is far greater with satellite - a rival operator could set up transponders from another orbital position, or Sky could be forced to allow rivals to operate from the current location.

Currently I think Cable will benefit from a uniform national strategy to build new services on a national level and expand provision of the platform into new areas, but once this has been done if competitors feel they can offer more appealing services to the consumer than Virgin they should be able to, be it on a national or regional basis.

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?:

Sports and movies will no doubt play a small role in building interest in the services, but I think the most decisive factors in any competing providers on DTT will be: range of programming / channels offered, setup and on-going costs to the consumer.

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?:

Clearly, having a single provider having a monopoly on the provision of payTV services on two platforms is negative for consumer choice, and could lead to the service provided on DTT to be treated as a 'taster' for the full service offered by the satellite service.

However, for the reasons previously outlined in my submission, I don't see much scope for those that have the choice between Sky's satellite service and the proposed service to choose the 'lite' service on DTT due to the lack of variety and choice of channels in the package.

Rather than any competition concerns for payTV, I think the most important consideration in all of this is should three well established services many people use every day on DTT should be taken away for the benefit of a very small, perceived "gap in 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?:

As already highlighted in the consultation, the proposal would require new hardware to decode a digital video standard not currently supported by any existing DTT reciever equipment. There is therefore large scope for confusion over which hardware decodes which services as you have already observed.

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?:

Very - for one, if you had decoders for two providers this would therefore entail another cable running off the aerial, leading to degration of what for many is already an at times marginal signal, making access to the services there are paying for less than desirably robust.

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

If the proposal is approved without condition, OFCOM will have to explain why choice is being constrained for the majority of DTT viewers for the benefit of the considerable few

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?:

Additional comments:

In my view, there are two options that would serve the interests of the public majority:

- Sky are allowed to launch up to three of their proposed channels in place of the existing Freeview channels ONLY as part of the established payTV provider on DTT - namely TopUp TV, or keep Sky News on the Freeview service and launch Sky Sports 1 and Sky Movies 1 on Top Up TV in place of Sky Three and Sky Sports News.

or

- The proposal is rejected outright.