

Forename:

David

Surname:

Cooper

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

Mr David Cooper

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: 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?:

I do not believe that DSat and DTT are in competition at the moment since they largely appeal to different audiences. IPTV is, I believe, yet to establish a foothold to compete with any other the other DT platforms.

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

Those consumers with the ability to pay, the space for an additional box and without an IDTV will experience a greater choice.

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?:

I do not believe there is space for pay TV on DTT at all and feel that in allowing a second company to use DTT spectrum for a pay TV service will cause a slow decay in those services offered by Freeview and Top Up TV/ Anytime

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?:

Sky seem likely to abuse their existing broadcasting rights as regards Films and Sport content and at the very least should be forced to renegotiate their contracts with their content providers should their premium content become available on DTT.

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?:

Sky have demonstrated in the past that they seek to prevent channels being free to air and free to view wherever possible. Examples include E4, Channel Four and Five.

By allowing Sky to become the only provider of pay TV on the DTT platform you would essentially hand them the ability to buy all available Freeview streams as they become available thus enabling the closure of Freeview.

This in turn would force all TV viewers to use either Satellite, Cable or IPTV since the two latter options cannot be received country-wide there is certainly a possibility that Sky could abuse this position.

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?:

Naturally there would be direct conflict of interest between Sky's pay TV offering and Freeview since they are in direct competition for viewers; Epg Slots and Bandwidth.

I have experienced a great deal of confusion from older relatives and friends who do not understand the difference between DTT and Freeview. These people often feel that they are being stealth-marketed to by listing channels on the Epg in prime positions (In Sky's case this would be Slot 13, on the front page of most Freeview boxes I have used) but not allowing users to access their content without buying an additional box and paying a subscription.

This gives these users an unfavourable view of Freeview and many of the users I have

encountered have resorted to getting Sky television or Cable so that they do not have to miss out on the channels that they see as having being 'taken from them'.

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

As referenced in my answer to the previous question can only predict that confusion is likely to increase.

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?:

A great deal, for early adopters of technology a further STB in a freeview home would be the 6th or higher box which despite causing space and inconvenience for the user is also devastating to the environment.

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

Freeview is likely to be a less viable option with no offering from Sky available. Particularly Sky Sports News and Sky News. Both of which have encouraged several of my relatives to make the digital switch to Freeview rather than Sky or Cable.

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?:

Yes. Sky would have to be limited to a total of three streams on the DTT platform. Increasing to four when MPEG4 becomes widely available (and not before) and increasing to five after DSO. Sky should not be allowed to purchase any additional spectrum for its services in the coming auction nor should be able to outbid existing DTT services from the platform.

Sky should certainly not acquire Top Up TV's bandwidth by default if Top Up TV were forced from the platform. Instead this bandwidth should be made available to new and existing Freeview Channels.

Additional comments:

I am not a random anti-Sky protester; indeed I have Sky Television and watch it daily. I am a staunch supporter of Freeview and am of the firm belief that DTT should be free as far as is possible. As the protector of public service television ofcom should be ensuring that television can flourish rather than be crippled by other offerings.

