

Title:

Mr

Forename:

Pat

Surname:

Gardner

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

Sky removal from Freeview

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?:

None. DTT exists for those people who have chosen not to spend more money on TV than the licence fee. Those with the money and wish already have cable or satellite TV. There should be no pay services on DTT since they use up bandwidth that would otherwise be available for Freeview

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

None. I do not believe many people would want a pay service with just three channels. There is however a danger that other currently free-to-air channels would join the pay service, thus reducing the choice of free channels and delivering the opposite of a 'benefit' to customers. In any case three free-to-air channels will be lost - and when Freeview started there were three news channels, under Sky's proposal there would be only one.

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 have already said that I do not think DTT is in competition with other platforms, it is a different animal. There is obviously competition between cable and satellite.

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?:

Setanta only have one channel, Sky will have three, with a sports channel able to show more football than Setanta, and two set top boxes required. Sky will probably end up as the only pay service on DTT. Bye bye Setanta, bye bye Top Up TV.

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?:

Yes. Eventually there would be Sky, Sky and Sky. The Sky's the limit!

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?:

All of them. Sky will be dominant, the choice of free channels will be reduced. Most people regard 'Freeview' and digital terrestrial as being the same thing. Pay channels should be kept to a minimum on DTT.

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

Total chaos because of different set top boxes required. Has ofcom considered that set top boxes for DTT are a temporary phenomenon anyway, in the future all TVs sold will be IDTVs and these would require different CAMs for different pay services, I can't see that as acceptable. To minimise confusion during digital switchover it is

important to 'keep it simple', i.e. 'currently you have analogue, here is digital with more channels'. Not 'here is digital with multiple sub-platforms requiring different equipment for each one'.

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?:

See my answer to question 7 above.

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

See my additional comments below for more detail, but essentially a franchise should stick to its remit. Sky is currently part of Freeview and the whole point of Freeview is that it is free.

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?:

If you do allow Sky to go ahead with their proposal, an upper limit to the number of pay channels allowed on their service should be set.

Additional comments:

The Freeview franchise was awarded to a consortium including Sky and the free-to-air Sky channels were part of the deal at that time. It is important that franchises stick to the original bid. If Sky want a pay service on DTT they should lose the rights to their existing slots altogether and be kicked out of 'Freeview'. Their slots should then be resold to the highest bidder who offers a replacement free-to-air service.