

Title:

Mr

Forename:

Peter

Surname:

Heaton-Jones

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

Mr P Heaton-Jones

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?:

DSat and cable are clearly the dominant players in the pay TV market, and there is no reason why this should change. The current level of competition is healthy and sufficient. DTT should not become a major competitor for subscribers of pay TV services in the future.

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.

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 scope for sustainable competition in pay TV on the DTT platform. This proposal would have the effect of Freeview evolving into just another pay TV platform, leading to an unsustainable level of competition. There is plenty of scope for sustainable competition across the existing dominant pay TV platforms.

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?:

Further retail pay TV services, if they are allowed on the DTT platform, may not just be limited to sport and movies. If this proposal is allowed, and pay TV operators compete for DTT consumers, we may see the steady erosion of free-to-air services across all content categories on DTT. This would be to the detriment of consumers on all platforms.

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, I do. I believe BSkyB already has market dominance in pay TV, and allowing the company to launch pay TV channels on DTT would have a significant detrimental effect on competition. This may also have an adverse effect on other platforms.

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?:

I believe all the public policy concerns outlined at Section 4 are legitimate and highly likely to be realised if this Proposal is allowed.

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

I believe there would be a great deal of consumer confusion if this Proposal were allowed. Consumers have been attracted to DTT on Freeview precisely because it is free. I believe DTT should be preserved as a free-to-air platform, as the brand name 'Freeview' suggests.

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?:

This is extremely beneficial. The requirement of consumers to purchase a new set top box is one further reason why this Proposal should be rejected.

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

This Proposal would significantly change the proposition of Freeview and be detrimental to the future security of a truly free-to-air DTT service. If BSkyB is allowed to launch pay TV services on DTT, other companies will follow suit and Freeview will soon cease to be free. This would be discriminatory against consumers unable or unwilling to pay for DTT, and would have significant adverse impacts for the planned cessation of analogue broadcasts.

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?:

No. The proposal should be rejected. I do not believe there are any additional conditions which would make the proposal acceptable.

Additional comments:

This Proposal should be rejected. It is not in the best interests of consumers. Freeview is successful because it is free. The addition of further pay TV services would lead to confusion among consumers and the steady erosion of the free to air DTT service. This proposal gives unfair advantage to BSkyB. The proposed removal of Sky News from DTT represents a significant reduction in the service offered by Freeview. I urge Ofcom to reject this Proposal.