

Title:

Mr

Forename:

Roy

Surname:

Jennings

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

Mr Roy Jennings

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:

Yes

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 consider DTT to be the primary platform for free to air TV because it will take over from analogue TV as the platform of choice for the majority, who have become used to receiving non-pay TV for many years. I don't believe that DSat and IPTV should be in competition with DTT, but rather should offer a complementary and enhanced service, for which a premium may be payable.

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

The BSkyB proposal seems to offer little or no benefit to the consumer because the majority of viewers receiving DTT are not interested in pay TV. (as evidenced by the low take up of Top-up TV) Those people who require to watch BSkyB's chargeable services can easily install satellite receivers, so there is no need to duplicate provision of these services through DTT, using up the precious bandwidth which could be used for other non-chargeable channels.

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 think that there is no requirement to provide competitive pay TV services on the DTT platform, and it is most likely the presence of BSkyB's services would be to the detriment of Top-up TV. As Top-up TV has no alternative route to air then it will be severely disadvantaged by the presence of BSkyB's chargeable services. (which already has a dominant position on the DSat platform).

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?:

I believe that any pay TV services on DTT should serve to provide the consumer an alternative to BSkyB's dominant offerings on DSat. Therefore licences for pay TV on DTT should be carefully considered to provide real consumer choice. Services should complement the content on existing free to view channels; these could include Movies and 'selected' sports (ie excluding sports with a high level of coverage on DSat such as Premiership football)

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 - it would give Sky a monopolistic position in that it would dominate both DSat and DTT pay TV platforms. In the long term it would likely

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 the proposal will certainly lead to many of the public policy concerns in section 4.

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

I think that the consumer currently has clarity that terrestrial is primarily a free to view service with a small chargeable offering, and that DSat is primarily a premium chargeable service, exclusively by run by Sky. This proposal would considerably muddy this clarity and possibly cause concern & confusion for those less 'savvy' members of the public that they will have to pay for what used to be free.

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?:

It is of little benefit as the cost of the STB is now very small in comparison to the cost of subscribing. (technology improvements have reduced hardware prices, whilst subscriptions have been increasing)

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

It is important to maintain balance and choice within the various platforms for TV delivery, not just in variety of programming but also editorial and political aspects. Giving a major global media giant such as BSkyB a greater foothold in DTT would jeopardise this.

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?:

I don't think any conditions would give adequate protection to the consumer. However if OFCOM really want to give Sky some scope towards this proposal then a limit should be set on:

- the number of pay TV channels (eg maximum 2)
- the charges should be in line with Sky's DSat charges
- Sky should be required to provide at least one free to air service (reflecting the essence of DTT)

Additional comments:

I am concerned that this proposal is a 'trojan horse' proposition which will enable BSkyB to have even more dominance in the pay TV arena. This monopolistic situation is not in the public interest and therefore I think that OFCOM should take action to maintain consumer choice and maximise competition among content providers.