

Title:

Mr

Forename:

K

Surname:

Kumaralingam

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

Mr K Kumaralingam

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 in competition for income from subscribers.

The channels broadcasting on all platforms are in competition for income from advertising and they will only make their channels available on platforms that bring in

most advertising revenue. These proposals will lead to a decline in DTT. This will in turn force many channels to remove themselves from DTT.

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

The proposals will, in the long term, be detrimental to the interests of 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?:

There is only scope of competition across all platforms if Ofcom is prepared to restrain the anti-competitive streak of BSkyB.

The demise of ITV Digital, awarding the DTT licence to a consortium which included BSkyB, the blocking of Virgin's attempt to takeover ITV have all proven that Ofcom is unable, or unwilling, to take on BSkyB.

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?:

In the past premium content, such as sports, has been the key aspect of the success (BSkyB) or failure (ITV Digital) of the platform.

Today consumers want functionality, such as view-on-demand and HD. DTT is not capable providing these.

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?:

The only selling point of Freeview is that its channels are free.

If some of the channels were to become premium DTT would be less attractive to consumers. The only (watchable) free channels available on DTT would be the digital channels provided by the PSB. Given this, and the lack of functionality by DTT, many consumers, will switch to DSat.

These proposals by BSkyB are not about getting its premium content on DTT. It is about destroying the DTT platform.

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?:

The proposals won't stop DSO but for the reason's outlined in Question 5, as DSO happens DSat will be more attractive than DTT to consumers who are new to digital TV.

There has always been concern that BSkyB is a shareholder of Freeview. These proposals won't affect those concerns.

Having to need two separate STB to watch all Premier League matches would clearly make DTT even less attractive than DSat.

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

There would be considerable confusion because existing DTT STB will not be able to receive BSkyB's premium channels. This confusion would make DTT even less attractive than DSat.

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 would obviously be better if BSkyB's premium channels were receivable on existing DTT STB.

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

These proposals have been made by BSkyB and National Grid Wireless. The relationship between these two companies is unhealthy for competition.

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 amount of conditions will prevent the demise of DTT if BSkyB get's it's premium channels on DTT. If Ofcom wants to preserve competition it should not consent to these porposals.

Additional comments:

DTT has grown significantly over the last few years - partly as a result of STB and digital TVs being cheper and partly as a result of the introduction of good quality channels (ITV2, ITV3, ITV4, E4, More4, Film4, Five US, Five Life, Virgin 1).

The encroachment of pay TV on DTT, together with the lack of functionality of DTT, will reverse this growth. As this happens many existing broadcasters will remove their

channels from DTT. This will accelerate the demise of DTT.

This is clearly BSkyB's motive. Ofcom should judge BSkyB on their long record of anti-competitive actions.

Ofcom should NOT consent to these proposals.