

Title:

Mr

Forename:

Andrew

Surname:

McAnulty

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

Mr Andrew McAnulty

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?:

DTT is completely different to the rest of the pay TV services. DTT should be a place of public service, which is evident in the signing on programmes in the system. If it is free, it should not be in competition, where DSat and Cable have been so successful. This should not change for the foreseeable future, and would be detrimental to a successful Digital Switchover.

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

This proposal does not seem to have any benefits at all, except for those not in cable areas AND who are unable to put a satellite dish on their house. However, this figure is roughly 0.1% of the population. The proposals would require new set top boxes to be purchased and would make 7 million current DTT boxes obsolete overnight, which is worrying for competition.

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?:

In terms of DTT, we currently have a pay TV section in Top Up TV. Adding a second rival on the same platform, especially with Sky being the provider, seems to be an abuse of their dominant position in the market. No other platform will have 2 pay TV rivals on their system. Across all platforms, with Cable and DSat competing, there is more than enough competition for a sustainable market.

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?:

The sole reason for these changes seem to be the launch of Setanta Sports within the DTT system. In Setanta, along with British Eurosport there is enough premium sports content on Freeview. With Top Up TV's movie channel Picture Box, this gives premium movie content at the same time. There is no need for any more competition in this market.

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?:

If Sky were the only pay TV provider on DTT, then it would have a detrimental effect on competition, since there is a chance other slots which open up will be taken by Sky rather than those willing to open free to air DTT channels. Sky would also be the dominant force in the UK, something which could lead them to abuse their position further as market leader, and could result in further problems for cable, potentially leading to a monopoly for Sky. This could well see dramatic price increases for customers.

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?:

There is a realistic chance Sky would buy up as much of the DTT bandwidth as possible, as they may see this as more of a 'back door' way into DTT, which they attempted to do when DTT launched in 1998. There is more than enough competition within the sector at the moment in terms of premium content, and the arrival of Sky on DTT may see Top Up TV being taken over, leading to a larger monopoly than currently.

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

This potentially could be disastrous for the consumer, as it would lead to a lot of confusion for those who require new boxes and are required to spend even more for this. During a crucial time in the Digital Switchover plan, something as significant as 'Picnic' could potentially lead to switchover not being anywhere near as successful as it could, as those too confused may decide not to bother getting any equipment, especially the elderly.

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?:

Since Sky and DTT are separate entities altogether, the two should be kept apart from each other. The fall of ITV Digital shows that DTT is not ideal for a pay TV platform of any great size, and with Sky's offering, I am struggling to see the benefit for an average consumer.

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

This proposal may lead to a significant shift towards Sky in terms of their market share. Their current status as market leaders has already seen them remove their channels from cable, and this may extend any potential monopolisation of the market.

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?:

The only way to make sure they do not have such a detrimental effect on competition is with strict regulations, and making sure, if they do arrive on DTT, they retain most of their Free To Air content, which would all be removed. Also, taking into account the need for new DTT boxes, this will put consumers at a severe disadvantage when it comes to new content. This must be avoided at all costs to avoid future problems with the switchover.

Additional comments:

Putting Sky on DTT in this way shows a lack of respect towards the platform and shows their abuse of their market leader position. If they do arrive, it will result in the loss of important channels to DTT to be replaced by this, and as a result will see the current success of DTT drop dramatically, with consumers, especially the elderly and vulnerable becoming confused as to what should be done. If the 'Picnic' proposals go through, it will be a dark day for Ofcom and the future of Digital Television in the UK.