

**Title:**

Mr

**Forename:**

Paul

**Surname:**

Miller

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

Paul Miller

**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?:**

I think that each platform is in competition with the others. This is because people have the choice whether to get extra free channels with Freeview or if they want more than that, they can get satellite or cable. Plus people already on Virgin and Sky might now consider the line-up of Freeview to be good enough and stop subscribing.

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

I think the proposal will have very little benefit to the consumer. In fact, I feel it will have the opposite effect. The proposal only benefits people that can't get Sky, Virgin or IPTV but still want premium sports and movie content. This will be a very small percentage of the population. Plus, Sky could offer the same deal (get Sky Movies, Sky Sports and Sky One for X pounds a month) on the Sky system for people that don't want to pay 20+ for more channels that they don't want. This would then reduce the need for Picnic launching on DTT. So why aren't Sky doing this? Is it because they just want to damage the success of Freeview?

**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?:**

It is hard to have a successful pay TV service on DTT due to limited bandwidth, as Sky and Virgin can offer so much more. On Digital/ITV Digital couldn't manage it and neither could TopUp TV who had to change to an overnight push-TV format instead. I feel that Sky's Picnic could stay for the long term, but that is because Sky have a lot of money and can afford to keep it going even if it doesn't make a profit. This is, as I said before, to help damage Freeview. With Sky on DTT, it will be very hard for any other companies to have a competing service as with Sky's money and power, they can kill off any potential competition. I feel that TopUp TV will struggle to survive if Picnic launches.

I think the only sustainable competition is between platforms, i.e. Sky on satellite, Virgin on cable and Freeview on DTT. In the future, BT and others could also join the fray with IPTV.

**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?:**

**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?:**

I feel that if Sky launched Picnic on DTT and TopUp TV closed down, it would be very hard for anyone else to launch a competing service. Sky are already a very dominant company in media with many newspapers and the Sky service itself which is a monopoly on the satellite platform with premium TV content, and would then also be a monopoly on the DTT platform. They already have too much power in the media industry, but being in control of the pay TV on the 2 biggest TV platforms (satellite and DTT), their power and dominance would be at worrying high levels.

With this power, they would be able to stop or harm competition, just like they are doing now with Freeview.

**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?:**

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

The consumer will be very confused with this proposal. To the public, DTT is the same as Freeview. So they will think that Freeview is turning into "Payview". They will be worried that the rest of Freeview will go the same way and will feel lead down the garden path as they will think they were sold the idea of a free platform with Freeview so that the digital switch off can happen, but then it will all disappear and be turned into pay TV once its too late for them to turn back. And for the people that haven't yet gone to digital TV, they will be less inclined to do so as the majority of the country only want free TV and if they feel that Freeview is turning into a pay TV service, they wont convert. This will then be a huge problem for the digital switchover as a large proportion of the country wont have switched and will be in uproar. This will not be good for Labour (or whoever is in power at the time) as so many people will be angry. This issue could then prove pivotal at the next election.

**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?:**

I feel that having different STBs for each service would increase consumer confusion, as there will be so many different types of STBs on offer, they will be unsure which one they need to get. Particularly for people that are not technologically minded, this could put them off from going digital.

Also, it would make it easier for people to upgrade to a pay service if they could use their existing STB. It would also reduce waste as STBs wouldn't need to be replaced and binned.

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

Yes. If Picnic was allowed to launch, Sky could use their dominance and might to persuade channels currently on Freeview to switch to their service. They could do this by offering monetary incentives. For example TMF could be replaced with MTV and ITV2-4 could be persuaded to go subscription. This would reduce the Freeview offering even more and so damage it further. If this trend continued, the only free channels left would be the PSB's. This will not be good for the majority of the public who are looking for a completely free TV platform. Once analogue terrestrial closes, there will be no 100% free TV platform. The public should be allowed to have one platform that is free from the takeover of pay TV. Plus as its the replacement for analogue TV, it should stay free.

Also, Sky are members of the Freeview consortium, but won't have any channels on the service if Picnic launches! So they would have to leave the consortium. But they originally got their 3 channels slots because of the fact they were part of Freeview. If they are no longer a part of Freeview, they should lose their channel spaces and they should be handed back to Freeview for other free TV providers to use. Or at least they should be put on the open market for any companies to bid on. Sky will then need to bid the highest amount. But this is the fairest way as it's not fair that Sky can use their channel slots that they got for being a part of Freeview for their pay TV service. This gives Sky an unfair advantage as no one else will be able to do this as no companies have enough channel slots on a Freeview multiplex that can have pay TV to launch a pay TV service.

**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 conditions will be able to stop the fact that this proposal will have a significant detrimental effect on competition. However, if this proposal is allowed (which I don't think it should be), a condition that Picnic cannot have more than 3 channels on Freeview (or 4 with MPEG-4) would help to stop them dominating the platform like they have with satellite.

**Additional comments:**

To clarify, I strongly feel that Picnic should not be allowed to launch on DTT because of the confusion it will cause, the damage it will do to Freeview and the increased dominance and power it will give Sky.