

Title:

Mr

Forename:

Steven

Surname:

Smith

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

Mr Steven Smith

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 direct competition where they are both available. DTT has a limited pay TV service, offering a limited but quality service to those not wanting a subscription TV contract longer than a month. IPTV again offers a limited range of pay TV at present but will most likely offer a much larger on-demand service in the next year.

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

The consumer will lose 3 channels from the Freeview offering, from a broadcaster that was part of the original group that set up Freeview as a free service. After the failure of On Digital/ITV Digital offered subscription channels on DTT but was trying to appeal to consumer that would simply go out and buy Sky or Cable if they wanted proper Pay TV what value does this give. It may also tempt other broadcasters away from Freeview and onto a pay platform, further decreasing the choice to consumers wanting free channels on 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?:

DTT has limited bandwidth, and already has a pay TV platform, and does not have room on the spectrum for another. The space wanted for Picnic is part of the Freeview spectrum, to remove it is against the whole point of Freeview that Ofcom granted after the failure of Pay TV On Digital. DSAT has space for competition, as does 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?:

Premium offerings such as sport and movies are important, but as ITV Digital found consumers wanting that will go for Sky or Virgin as they have the space to offer multiple 24hr channels.

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?:

Sky dominate DSAT to the point the no-one in the UK have been able to set up in competition to them. This is partly due to the encryption system that Ofcom have failed to force Sky to offer as a CAM. If a SKY CAM was available maybe competition would be possible. If Sky get into DTT they will soon force the closure of Top-up TV and will soon be the only DTT Pay TV offering.

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?:

Sky would dominate another market and would destroy Top-up TV and further harm rivals Virgin.

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

There would be 3 platforms within DTT: Freeview, requiring a MPEG2 DTT box with or without a card slot; Top-Up TV needing a MPEG2 DTT both with a card slot; Picnic, needing a MPEG4 compatible box.

Consumers would have to decide what they wanted before choosing and anyone with a Freeview box at present (in excess of 7 million) would have to buy a new box to get these channels. Freeview is currently simple. Sky would no doubt want to control the box manufacture of MPEG4 boxes. This would have to include PVRs and DVD recorders as we move into switchover.

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?:

Very important, it is not good for consumers or the environment to get people to replace their STBs so soon, and expensive if they are PVRs or integrated TVs

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

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, Sky would find a way around it.

Additional comments: