Title:

Mr

Forename:

J E

Surname:

SPENCER

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

LOSS OF FREEVIEW DTT CHANNELS TO SKY PAY TV

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?:

For the majority of people digital TV is only available via Freeview regardless of if it is pay or free TV. Although from a technical stand point they are in competition, Dsat and IPTV are considered to complex to install and use by the vast majority of people who do not have a technical understanding of the technologies involved.

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

I don't consider there will be any benefits to the average customer by further reducing the number of freeview channels available on a free to air basis.

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?:

With OFCOM's refusal to allow more spectrum for DTT after analogue switch off there is no room to allow more pay TV channels without adversely affecting Freeview's commercial existence, given that the existing spectrum will have to encompass HDTV as well.

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?:

By definition making them "premium" and "pay" means the majority of people won't bother watching. You will always get the enthusiast market but the average person won't bother to watch. My experience of friends and colleagues who have or have had SKY TV is they have cancelled or are considering cancelling because of the price premium.

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?:

Without a doubt; they decimated sports viewing figures in the UK and even with Setanta now available on various platforms sports viewing figures have not recovered. Sky's aim is to kill all competition, I would be aiming for the same in my business plan if I was the CEO of SKY, but it is hardly democratic. By removing free to air channels from Freeview it pressurises consumers to consider pay TV through lack of choice.

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 have mentioned my concerns above and these align with the points raised in section 4. Basically Sky would get a foothold in all technologies Dsat, DTT and IPTV (except cable TV) and this would give them a position to be able spoil all other competition in the future. It is questionable if the take up of a new set top box just supply few extra SD DTT pay channels would pay for itself without the crutch of Sky's existing services to support it, look at Top Up TV.

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

I am an engineer so can take on board Dsat, D2sat DTT D2TT(?), MPEG2, MPEG4, SD, HD, FTA, FTV, pay TV, IPTV, Freeview, Freesat, etc etc. How many people have bought HDTV and don't understand they can't actually watch HDTV out of the box? Their shiny new IDTV will already need another STB to watch HD and maybe a new box to continue watching FREEVIEW if the D2TT standard is adopted. There is enough confusion surrounding the analogue switch off already.

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?:

In digital TV nirvana one STB or IDTV would be able to receive and record all transmission, coding and encryption methods. But as previously eluded to it is not only desirable for a supplier to "lock" customers into subscription packages but also to be the supplier or control the supply of any STB. One only has to consider the Videoguard debate and its continued illegality under European law, consider also Sky's acquisition of Amstrad

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

It is fuel for the fire on the debate surrounding the continued existence of free public broadcasting in the UK. The pay TV companies would love to kill of free TV and get rich on subscription and advertising revenues with little concern about the ability to pay by the less well off.

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?:

It should not be allowed to happen, any regulatory frame work applied to them would be shutting the stable door after the horse has bolted. One only has to look at history repeating itself re. the BSB and SKY debacle and the virtual monopoly that resulted, how many people have heard of BSKYB?

Additional comments:

As mentioned earlier all of the above is compounded by the Governments refusal to allow more DTT spectrum what ever its use SD or HD. If more spectrum was available there would be capacity for HD PBCs and any commercial player willing to make the investment. With limited spectrum the risk is run of repeating the mobile 3G sell off fiasco. The one with the deepest pockets winning and gaining control but also risking commercial profitability.