

Title:

Mr

Forename:

Lee

Surname:

Stanislaus

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

Mr Lee Stanislaus

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?:

At the moment there is competition between platforms. DTT, DSAT & Cable offer services using a single form a conditional access. Currently the public are able to choose a platform and take advantage of its services using a single piece of hardware. It is my opinion that the current system works well for consumers. If Sky were to introduce subscription channels to DTT under another conditional access system, it is

my opinion that they would use their market dominance to cripple smaller outfits such as Setanta and Top Up Tv. If this were to happen, Sky would control conditional access systems on 2 platforms reducing competition. This in my opinion is a bad idea.

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

The only benefits that I can see is that it would bring Sky television to the very small number of people who want Sky but are unable to get a dish. In this case it is my opinion that the detrimental affects of BSkyB controlling another platform, far outweigh any benefits that this service may provide.

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 seems to me that a large scale pay tv element on Freeview, is not really sustainable, this has been proven by ITVDigital's demise before Freeview was set up. Pay tv provided by Top Up Tv seems to be the only viable system so far, by using otherwise unused overnight capacity Top Up Tv has been able to bring an excellent little VOD service to DTT which allows Freeview viewers to access a little extra content at a little extra cost.

BSkyB on the other hand seem to want to degrade the Freeview experience by removing its free channels in favor of a linear pay tv system which has already been proved not viable by ITVDigital.

A question you may like to ask BSkyB is, why, if you are really so keen to get your channels to the masses, are you not using the LLU network that you recently acquired through Easynet to deliver these extra channels?

It seems to me that if Sky were trying to increase access to their channels, and not (which I suspect is really the case) trying to thwart Freeview in order to make Sky Digital look more attractive, they would use their LLU network and save all this trouble.

I also feel that this may be an attempt by Sky to remove competition such as Setanta Sports and to a lesser extent, Top Up Tv

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?:

BSkyB are obviously, by their proposal, hoping to compete directly with both Setanta Sports (with sports) and with Top Up Tv / Picturebox (with movies). Personally I think DTT is now in a position to compete with Sky digital with its sports and movie offering. It is for this reason that BSkyB is suddenly taking interest in a platform that it previously described as 'a platform for the elderly and economically inactive'. If BSkyB's proposals do get the green light, it is likely they will use their dominant position to remove the more attractive aspects of Freeview/Top Up Tv/Setanta to make their own DSAT service look more attractive.

Premium content on the DTT platform is better served in VOD format due to the lack

of broadcast space. BSkyB, if so inclined, could easily use their LLU network to offer these services in a similar way to BTVision.

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?:

Yes, I would expect this to be extremely detrimental to DTT, in that it would reduce competition between platforms. If this were the case Sky would no doubt be tempted to raise prices to its customers. You will have likely noticed that Sky's recent price drops and special offers have all coincided with the recent rise in competition from rival pay tv providers.

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 believe that the proposal will lead to the public policy concerns in section 4.

As Freeview is the replacement for analogue television and offers additional content, it has been received extremely well by the public.

Introducing a 'Sky run' pay tv part to Freeview is only going to damage its image which will hamper DSO progress. It has become apparent to me over the last few years that BSkyB has a very negative image among the public which should not be rubbed off onto Freeview

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

The addition of another pay tv provider on the DTT platform is likely to confuse consumers. Also the public associate the name 'Sky' with 'Pay' tv, which most consumers will be trying to avoid during the switchover process.

Also the addition of another Conditional Access system, especially one who's developers refuse to release compatible hardware for! How exactly do NDS get away with not supply Conditional Access Modules? I thought the whole point of the CI slot and CAM was to allow different CA systems to be used with your own choice of hardware?

At the moment if you want to use the Sky Digital service, you must use a Sky branded box. Is this what you want for DTT?

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?:

The introduction of a new STB with alternative conditional access is very likely to confuse consumers and will lead to problems with people who wish to subscribe to 'all' pay services on DTT. Sky will no doubt refuse to supply CAM's for current hardware just as they do on Satellite, to ensure they dominate the system. Denying Sky's proposal would be the best option although forcing Sky to use the current conditional access used by Top Up Tv and Setanta sports would be an acceptable alternative.

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

A major concern, is that Sky would have almost a monopoly on tv services, this can only mean trouble. Not only is BSkyB a concern, but its parent company also has a substantial hand in the major newspapers. Do you think it's wise to allow this kind of dominance in the media? I don't.

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?:

If BSkyB were able to dominate DTT it would badly affect the platform. The only restriction that could possibly be considered, would be forcing BSkyB to use existing CA systems put in place by Top Up Tv.

Additional comments: