

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

Charles Stuart

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 see DTT as being principally for the provision of free to air services, while the other modes of transmission carry all of free to air, subscription and pay per view. Unless space is found for many more DTT multiplexes, I'd like this situation to remain unchanged.

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

I don't think it will deliver benefits to the consumer. With the development of IPTV over coming years, sports fans who live in the few houses not covered by cable and not allowed satellite TV receiving equipment will be able to subscribe to services like Homechoice.

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?:

I don't think there is on DTT. Top-Up TV is a small niche player and their business plan may well be sustainable but there's simply not enough available bandwidth for full-scale pay TV on DTT. Sky have built a monopoly on satellite pay TV but it does compete with cable and will in the future compete with IPTV. I think that Sky is being greedy to think it can make money out of pay TV on DTT.

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?:

I think that pay TV on DTT beyond Top Up TV will be a failure. Sports lovers won't get enough sports, movie lovers won't get enough movies and the whole thing will be seen as a waste of space compared to the offerings of satellite, cable and IPTV.

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. Sky is too powerful in the pay TV market. Satellite has successfully out competed cable, so that the two main cable operators have had to merge. Furthermore, the point that has been left off these questions is that every new pay TV channel on DTT is one free channel less. Many people opt for Freeview because they don't want pay TV but do want more channels.

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'm not 100% sure what this refers to but I feel that DTT is primarily a FTA service and should remain so. Removal of Sky News, in particular, is a real reduction in choice because that would only leave BBC News 24 on the platform.

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

This is one area where I don't have concerns.

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 think the benefit for anyone would be for Sky. Though a niche player, Top Up TV is established and most people opting for Freeview in preference to cable or satellite know what's available by way of pay TV on the platform.

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

My own view is that it would be seen as allowing Sky to construct a pay TV monopoly.

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. I think that there is a serious risk of Sky becoming too powerful and that Ofcom should look at the proposal with US-style anti-trust vigilance.

Additional comments:

I favour option 3, that the proposal should be refused at this stage. However, if Ofcom feels that Sky's monopoly position is not too much of a threat, then there should be a requirement to retain Sky News on DTT as an FTA channel. This would mean either only allowing 2 channels for Sky pay TV on DTT or that Sky would have to buy a 24 hour slot from another broadcaster to meet the condition and have three subscription channels.