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From: Joel Bamford

Project Director

Direct line: [✂]

27 October 2017

Dear Kevin

Re. Request for information and assistance relating to the acquisition by Twenty-First Century Fox, Inc. (Fox) of the entire share capital of Sky plc (Sky) (the Fox/Sky transaction).

Further to the letter sent on 25 September 2017 setting out an agreed basis for the provision of information and assistance by Ofcom to the CMA, I write on behalf of the CMA to formally request Ofcom provides information and assistance in relation to the exercise of the CMA's functions in reviewing the Fox/Sky transaction. This request is made in reliance of section 105(3A) of the Enterprise Act 2002 (the "Act"), which states:

OFCOM shall give the CMA:

- (a) such information in their possession as the CMA may reasonably require to enable the CMA to carry out its functions under [Part 3 of the Act]; and
- (b) any other assistance which the CMA may reasonably require for the purpose of assisting it in carrying out its functions under this Part and which it is within the power of OFCOM to give.

This provision is made applicable to the exercise of the CMA's functions under The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (the Order) by virtue of Article 15 and Schedule 3 paragraph 1(1)(m) of the Order.

The assistance we request in relation to the exercise of our functions, drawing on Ofcom's technical expertise as the UK regulator for communications, at this stage of the investigation is information on Ofcom's approach to categorising the outcome of investigations into alleged breaches of the Broadcasting Code carried out by Ofcom. The high-level questions we would want to explore are:

1. Please could you explain the difference between 'In Breach' and 'Resolved'. Our understanding is that 'Resolved' cases are where the broadcaster has breached the Code and should be treated in a similar vein to decisions where you have found the broadcaster to be 'In breach'. We would welcome your clarification on the distinction between the two.
2. Are all 'in breach' and 'resolved' decisions included in the bulletins published on Ofcom's website? If not, please could you explain the reasons why some decisions are not published in this way.

Yours sincerely,

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Joel Bamford
Project Director

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