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From: Joel Bamford

Project Director

Direct line: [✂]

31 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 information we request to enable us to exercise our functions, drawing on Ofcom's technical expertise as the UK regulator for communications, is as follows:

1. For each of the calendar years in the period 1 January 2013 and 31 December 2016, and in the period 1 January 2017 to 31 October 2017, please could you provide a breakdown of the number of Broadcasting Code breaches recorded against broadcasters (separating between 'in breach' and 'resolved') and the number found 'not in breach'. In your response, please also include decisions which have led to sanctions.

2. Please can you provide a list of Broadcasting Code investigations carried out by Ofcom for each of the calendar years in the period 1 January 2013 to 31 December 2016, and in the period 1 January 2017 to 31 October 2017 in Excel spreadsheet format. The list should detail:
- (a) The name of the broadcaster;
  - (b) A short description of the Broadcasting Code issue or issues investigated;
  - (c) The programme or programmes to which the investigation related;
  - (d) The final decision by Ofcom ('In Breach', 'Resolved' or 'Not in Breach'); and
  - (e) Whether Ofcom reached a sanction decision against the broadcaster.
3. We would like this information for the following broadcasters/services:
- BBC (including BBC News)
  - ITN/ITV (including ITV News)
  - Channel 4 (including Channel 4 News)
  - Channel 5 (including Channel 5 News)
  - Sky (including Sky News)
  - Fox (including Fox News)
  - RT
  - Al-Jazeera
  - CNN
  - Discovery
  - Viacom

In each case, please provide the requested details in relation to (i) all licensees controlled (eg through subsidiaries) by the broadcasters identified in the list above and (ii) the licensees that operate the services identified above (and any other licensed services provided by any such licensee).

4. Please provide a list of all broadcasters/services in relation to which Ofcom has conducted investigations under Section 5 of the Broadcasting Code (Due Impartiality and Due Accuracy) and Section 6 of the Broadcasting Code (Elections and Referendums) in the period between 1 January 2013 and 31 October 2017.

Yours sincerely,

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Joel Bamford  
Project Director

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