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From: Joel Bamford

Project Director

Direct line: [✂]

14 December 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:

We would like to understand further the methodology that Ofcom used in carrying out its assessment of Fox's and Sky's compliance record in its Phase 1 report. [✂]

[REDACTED]

We found that [REDACTED] has breached Ofcom's Broadcasting Code [REDACTED] times since [REDACTED], based on information from Ofcom. We have provided you with [REDACTED].

1. Please can you explain whether you assessed the breaches of the other codes that licensees are required to comply with, such as COSTA, the Cross-promotion Code, the Code on the Prevention of Undue Discrimination between Broadcast Advertisers (CUDBPA) and the UK Code of Broadcast Advertising (the BCAP Code) when you carried out your assessment in Phase 1. Please explain the rationale behind your methodology.
2. [REDACTED], please can you explain how Ofcom would have calculated the number of breaches by [REDACTED] in your Phase 1 assessment?
3. [REDACTED]. Please can you confirm whether the [REDACTED] breaches by [REDACTED] also included [REDACTED] breaches in relation to COSTA?
4. For the period between 1 January 2013 and November 2017, please provide details of all breaches of all codes which Ofcom considered in its assessment for its Phase 1 report for the following broadcasters:
 - (a) Fox
 - (b) Sky
 - (c) BBC
 - (d) ITV
 - (e) Channel 4
 - (f) RT
 - (g) CNN
 - (h) Al-Jazeera
 - (i) Channel 5
 - (j) Discovery
 - (k) Viacom.

[REDACTED]

5. It has been put to us that [REDACTED]. Please can you explain how you would have calculated the [REDACTED] published in [REDACTED] against [REDACTED] in your Phase 1 assessment ([REDACTED])?

Yours sincerely,



Joel Bamford Project Director

