

Tony Close
Director of Content Standards, Licensing
& Enforcement
Ofcom
Riverside House
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From: Joel Bamford

Project Director

Direct line: [✂]

7 March 2018

Dear Tony

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. We note that, of all of the broadcasters we have considered in the provisional findings, ITV and Sky have breached the BCAP Code in the past five years (once each). Please can you provide details of what these breaches related to and Ofcom's view on whether or the extent to which these breaches were serious in nature?

Yours sincerely,

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Joel Bamford
Project Director

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