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Date 24 August 2006

From Michael Ball / Jacqueline Downes

To Mr Arek Gulbenkogu, Australian Competition and

Consumer Commission, Melbourne

Email arek.gulbenkogu@acc.gov.au

Confidential Email

Dear Mr Gulbenkogu

FOXTEL Digital Set Top Unit Service Special Access Undertaking

We refer to our email of 28 July 2006 in relation to the percentage of marketing costs included in FOXTEL's Regulatory Accounting Procedures Manual (RAPM).

We now attach a statement of Antony Peter Warne in relation to those marketing costs.

It appears that there was a very slight miscalculation in our earlier email in relation to some of the figures although it does not impact on the ultimate percentages.

The revised figures are as follows:

04/05

Total non-retention marketing costs =

[CONF]

Less Excluded Marketing Costs

[CONF]

Percentage = 91.43%

05/06

Total non-retention marketing costs =

[CONF]

Less Excluded Marketing Costs =

[CONF]

Percentage = 89.14%

Average of 91.43% and 89.14%

= 90.29%

Our Ref JUAS:205468386

Jods AD107457179V1 205468386 24.8.2006

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Yours sincerely

any person.
FOXTEL claims confidentiality over the statement and annexures and the material in this email in square brackets and requests that the Commission not make this information public or disclose it to

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