



Date 22 November 2005

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From Michael Ball / Jacqueline Downes

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Dear Mr Cosgrave

FOXTEL Management Pty Ltd - special access undertaking

You have requested a submission from FOXTEL on the interaction between the special access undertaking (**SAU**) should it be accepted by the Commission and the current s87B undertaking.

The current Digital Access Undertaking (clause 4 of the s87B undertaking) expires on 31 December 2007 unless FOXTEL elects to continue the Digital Access Undertaking in accordance with clause 15.3 of the s87B undertaking. At this stage, FOXTEL does not propose to make such an election. Therefore, during any period of overlap of the SAU and the s87B undertaking, access seekers could elect to enter into the Digital Access Agreement attached to either the s87B undertaking or the SAU. After that time the SAU only will apply (although access seekers who have already entered into an agreement in the form attached to the s87B would continue under that agreement for its term).

Yours sincerely

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Our Ref MLBS:JODS:205468386

jckm S0111622782v1 205468386 22.11.2005

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