



Australian
Competition &
Consumer
Commission

Our Ref: A91031 & A91032
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3 May 2007

Michael Gray
Partner
Freehills
MLC Centre
19 Martin Place
Sydney NSW 2001

CC: Joanne Daniels
Partner
Clayton Utz
Level 18
333 Collins Street
Melbourne VIC 3000

Dear Mr Gray and Ms Daniels

**Re: Sky Channel Pty Ltd, Tabcorp Holdings Ltd & ThoroughVision Pty Ltd –
application for authorisation A91031 & A91032
– draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Sky Channel Pty Ltd (Sky), Tabcorp Holdings Ltd (Tabcorp) and ThoroughVision Pty Ltd (TVN) (collectively referred to as 'the applicants') on 15 February 2007.

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to grant the authorisation until 31 December 2012 and subject to the following condition:

- Should Tabcorp/Sky decide to supply the Sky and TVN Channels as a bundled product to commercial venues with wagering facilities, Tabcorp/Sky must at least offer the Sky Channel separately to such venues.

Next steps

Once the ACCC issues a draft determination, the applicants or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Under the *Trade Practices Act 1974*, the ACCC must set a date within 14 days of which any pre-decision conference must be requested. Accordingly, if you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **cob 18 May 2007**.



Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **cob 25 May 2007** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on 02 6243 1211.

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC when conducting its assessment of an authorisation application. Guidelines for seeking exclusion from the public register are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-determination conference be called, and will then release a final determination in relation to these applications.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Monica Bourke on (02) 6243 1351.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', written over a light grey rectangular background.

Scott Gregson
General Manager
Adjudication Branch