



**Australian
Competition &
Consumer
Commission**

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10 September 2009

[Interested Party]
[Address]

Dear [Interested Party]

**ninemsn Pty Limited and Nine Network Australia Pty Limited exclusive dealing
notifications N94104 and N94105 - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received two notifications from ninemsn Pty Limited and Nine Network Australia Pty Limited (together, the Notifying parties). The ACCC invites you to comment on these notifications. Attached is a summary of the notification process including how to make a submission to the ACCC.

Both of the Notifying Parties propose to offer to supply advertising and/or promotional services to customers at a discount off the rates at which they would otherwise offer such services on condition that the customer also acquires advertising and/or promotional services from the other Notifying Party.

Full copies of the public versions of the notifications are available on the ACCC's website www.accc.gov.au/ExclusiveDealingRegister. Alternatively, you can contact Jasmine Tan on (02) 6243 1363 to obtain hard copies of the notifications.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition from the notified arrangements.

The notified arrangements provide for a range of potential discounts. You may therefore wish to consider whether the likely public benefits and effect on competition would vary according to the following hypothetical discounts:

- 10 per cent
- 15-20 per cent
- 40-50 per cent.

If you intend to provide a submission in relation to the Notifying Parties' notifications, please do so by **Wednesday 30 September 2009**.

Alternatively, if you would like to provide comments orally, please contact Jasmine Tan to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the notifications in a timely manner. An indicative timetable is set out below for your information.

| | |
|------------------------------|--|
| 28 August 2009 | Lodgement of notifications. |
| 10 September 2009 | Public consultation process begins. |
| 30 September 2009 | Closing date for submissions from interested parties. |
| October 2009 | Notifying Parties respond to issues raised in the public consultation process. |
| October/November 2009 | ACCC decision on immunity afforded by the notifications. |

Please advise if you do not wish to make a submission at this time, but would like to be informed of the outcome of the consultation process for these notifications. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the notifications.

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 Jasmine Tan on (02) 6243 1363.

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch

**ninemsn Pty Limited and Nine Network Australia Pty Limited –
exclusive dealing notifications N94104 and N94105**

LIST OF INTERESTED PARTIES

1. Advertising Federation of Australia
2. Austereo Group Limited
3. Australian Communications and Media Authority
4. Australian Interactive Media Industry Association
5. Australian Radio Network
6. Brand New Media
7. Business Council of Australia
8. DMG Radio Australia
9. Fairfax Media Limited
10. Free TV Australia
11. Freeview Australia Limited
12. Full Circle
13. Multi Channel Network
14. Network Ten
15. News Limited
16. Pacific Magazines
17. SBS
18. Seven Network Limited
19. The Australian Association of National Advertisers
20. Val Morgan