



**Australian  
Competition &  
Consumer  
Commission**

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15 September 2009

General Counsel  
ninemsn Pty Ltd  
Level 7, Tower Building  
Australia Square  
264 George Street  
SYDNEY NSW 2000

Dear Sir or Madam

**Notification N94104 submitted by ninemsn Pty Limited (ninemsn) –  
request for material to be excluded from the public register**

I refer to the notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 28 August 2009 by ninemsn.

I have considered ninemsn's request that Confidential Schedule 1, specifying the size of discounts to be offered as part of the notified conduct, be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 95 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to a notification on the ACCC's public register. The Act provides that a person submitting a document in relation to a notification may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that Confidential Schedule 1 will not be placed on the public register.

This letter has been placed on the ACCC's public register.

I note that the Corporate Counsel for Nine Network Australia Pty Limited has suggested that the ACCC could identify a series of varying levels of hypothetical discounts in consultations with interested parties. The ACCC has taken this approach and letters to interested parties referring to a range of hypothetical discounts have been placed on the public register.

Should you have any queries in relation to this matter, please do not hesitate to contact Jasmine Tan on (02) 6243 1363.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written on a light-colored rectangular background.

Dr Richard Chadwick  
General Manager  
Adjudication Branch