



**Australian
Competition &
Consumer
Commission**

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15 September 2009

Mr James Talbot
Corporate Counsel
Nine Network Australia Pty Limited
PO Box 27
WILLOUGHBY NSW 2068

Dear Mr Talbot

**Notification N94105 submitted by Nine Network Australia Pty Limited (NNA) –
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 NNA.

I have considered NNA'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 you 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, consisting of a stylized initial 'R' followed by a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch