
FOXTEL SECTION 87B UNDERTAKING

SCHEDULE 1:

**Analogue Access Undertaking and
FOXTEL Analogue Access Agreement**

Analogue Access Undertaking

ACCESS UNDERTAKING TO THE AUSTRALIAN COMPETITION & CONSUMER COMMISSION

PURSUANT TO SECTION 152BS OF THE TRADE PRACTICES ACT 1974

BY

FOXTEL MANAGEMENT PTY LIMITED (ACN 068 671 938) FOR AND ON BEHALF OF THE
FOXTEL PARTNERSHIP AND FOXTEL CABLE TELEVISION PTY LTD (ACN 069 008 797)

1. Background

- 1.1 FOXTEL is in the business of supplying a Subscription Television Service.
- 1.2 FOXTEL owns and/or leases analogue Set Top Units which are used to provide Subscription Television Services.

2. Interpretations and Definitions

- 2.1 In this undertaking, the singular includes the plural and vice versa.
- 2.2 In this undertaking, unless the context otherwise requires:

Act means the *Trade Practices Act 1974* (Cth) as amended from time to time.

Commission means the Australian Competition & Consumer Commission.

Declared Analogue Service means the analogue subscription television broadcast carriage service via line links gazetted by the Commission on 8 September 1999.

FOXTEL means FOXTEL Management Pty Limited (ACN 068 671 938) for and on behalf of the FOXTEL Partnership (which is the partnership established between Telstra Media Pty Limited (ACN 069 279 027) and Sky Cable Pty Limited (ACN 069 799 640), FOXTEL Cable Television Pty Limited (ACN 069 008 797) and any wholly-owned subsidiary of FOXTEL Management Pty Limited and FOXTEL Cable Television Pty Ltd.

HFC Network means a hybrid fibre co-axial network.

Set Top Unit (STU) means conditional access customer equipment (as defined in Part XIC of the Act) for receiving a Subscription Television Service.

Subscription Television Service means a content service that provides television programs to consumers where the service is:

- (a) a subscription broadcasting service; or
- (b) a subscription narrowcasting service.

Subscription broadcasting service, subscription narrowcasting service and television programs have the meanings given by the BSA from time to time.

Telstra means Telstra Multimedia Pty Ltd (ACN 069 279 072).