

29 September 2016

John Drinnan  
NZ Herald

Via email: [jdrinnan@xtra.co.nz](mailto:jdrinnan@xtra.co.nz)

Dear Mr Drinnan

### **Official Information Act #16.39 Monitoring of Sky Network Television Limited**

1. We refer to your request of 6 September 2016 asking how we have monitored Sky Network Television Limited (Sky) since we issued Sky a warning under the Commerce Act 1986 in October 2013.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### **Our response**

3. When we warned Sky in October 2013 that it was likely to have previously breached section 27 of the Commerce Act, we also advised Sky that we would continue to monitor its contracts and conduct with telecommunications retail service providers (RSPs).<sup>1</sup>
4. We wrote to Sky in December 2013 (letter **attached**) advising that we intended, every quarter, to consider whether to request documents from Sky that record how Sky has dealt with any RSP requests for exemptions from the key commitments in the period since our last request.
5. In April 2014 and November 2014 (letters **attached**) we asked Sky for any documents and were advised on both occasions that Sky had not received any RSP requests for exemptions from the key commitments in Sky's contracts.
6. In March 2015 (letter **attached**) we advised Sky that while we no longer intended to regularly request documents, we would continue to monitor the pay TV market in general.

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<sup>1</sup> See <http://www.comcom.govt.nz/the-commission/media-centre/media-releases/detail/2013/commerce-commission-issues-warning-to-sky>

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7. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.
8. If you have any questions in regards to this request, please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bel O'Reilly', written in a cursive style.

Bel O'Reilly  
OIA Co-ordinator