

25 November 2020

Mr Interested

By email only: fyi-request-14064-4099796d@requests.fyi.org.nz

Dear Mr Interested

Official Information Act #20.096 – NEP/Sky Merger

1. We refer to your Official Information Act (**OIA**) request received on 30 October 2020 for the counterfactual information redacted from the September 2020 NEP Broadcast Services New Zealand Limited (**NEP**) clearance application, published on the Commerce Commission's (**Commission**) website.¹ We note you specifically requested paragraphs [13] and [14], including [14.1] and [14.2]. We also considered paragraphs [79]-[82] of the Application which also discuss the counterfactual.

Our response

2. We have decided to decline your request under section 9(2)(b)(ii) of the OIA, on the basis that the provision of the redacted material would unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.
3. We consider that good reasons exist for withholding information and this is not outweighed by other considerations which would make it desirable, in the public interest, to make the information available (section 9(1) of the OIA).
4. 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. However, we would welcome the opportunity to discuss any concerns with you first.
5. Please note the Commission will not be publishing this response to your request on its website.

¹ https://comcom.govt.nz/_data/assets/pdf_file/0025/225844/NEP-Broadcast-Services-New-Zealand-Limited-and-Sky-Network-Television-Limited-Clearance-application-25-September-2020.pdf

6. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard
OIA Coordinator

Released Under Official Information Act 1982