

BFD 0/31/20 PWS

Plurality
NNP

General Bill

From: [redacted]
 Sent: 17 June 2003 20:24
 To: [redacted]
 Cc: [redacted]; RAMSAY ANDREW; ZEFF JON; [redacted]; Sarah
 mpst.hewitt@ [redacted]; Sarah
 Hunter (E-mail); BUSH BILL; FEENY PADDY
 Subject: Further requests from SoS
 Importance: High

Thanks very much for your various notes on plurality tests, NNP and general duties. SoS has looked at them briefly tonight and we had a discussion during which she asked for more detail:

General Duties

- She wants to see Clause 3 pulled apart to explain exactly where and how the 'public interest' side of thing is protected.
- Puttnam is now asking for a hierarchy of duties only in relation to broadcast content. How feasible is this? Surely ownership rather than content is Puttnam's real point, and content is protected wherever we talk about it - in terms of diversity, standards etc?
- What are the sorts of crunch decisions when OFCOM will be balancing its different duties? How would those decisions be affected by any sort of hierarchy.

She feels all this is necessary for us to build the most convincing and detailed case to put to the Lords.

Plurality Test

What are all the possible options for the scope of a plurality test? (ie one that exists without any rules; one that exists on top of rules for all mergers; one that applies only in areas where there are no ownership rules at all; one that applies only where rules have been relaxed from the current position...)

- In all of these scenarios, list the sorts of mergers that would be caught (eg will most local radio deals be inspected?)
- How would the thresholds (ie 25% share of supply or £70m turnover) affect the mergers that will be caught?

They'd be caught!

How many would be caught

NNP

- How would the investment element of the system work if we dropped ownership rules? Would there still be a nomination and auction process? If not, where is OFCOM's opportunity to intervene? Will quality and investment become ITV licence conditions instead?

There is (a) a contract (b) a separate body contract to provide news (even if owned by ITV). OFCOM approves

With apologies, please could you have this stuff ready for tomorrow's box, so we can discuss it at

each contract and (b)¹ enables it to be confident that news is allocated as intended.

ursday's meeting.

Thanks