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18th April 2011

Dear Ms. Ang:

Response to Third Consultation on the Implementation of the Cross-Carriage Measure in the Pay TV Market (Third Consultation Paper)

NBCUniversal is one of the world's leading media and entertainment companies in the development, production and distribution of films, TV programming and news to a global audience. We continue to be very concerned that the Media Development Authority (MDA) is aggressively pursuing its plans for the mandatory cross-carriage of content (**Remedy**) in Singapore.

Our position on the Remedy remains as set out in our letter of 4th October 2010, but as requested in Part V of the Third Consultation Paper, we have not repeated our arguments here.

First, we would like to take this opportunity to reiterate the fact that the Cable and Satellite Broadcasting Association of Asia (CASBAA) and the Movie Picture Association (MPA) continue to represent the views of its members on this matter. To that end, we would urge the MDA to ensure that it attaches the appropriate weight to the previous submissions of both MPA and CASBAA as industry bodies on behalf of their members rather than treating these submissions as responses from single respondents.

Secondly, NBCUniversal is concerned that the MDA has widened the scope of the Remedy by expanding the scope of what constitutes "Qualified Content" to include anything MDA *thinks is likely* to prevent or restrict another regulated person from acquiring channels or programming content (paragraph 3.3.1.17 of the Third Consultation Paper). We would urge the MDA to provide clarity as to what criteria are to be used to determine what constitutes "Qualified Content".


Furthermore, paragraph 3.3.1.32 of the Third Consultation Paper makes it clear that the MDA would invoke its right to take any interim measure (such as a direction to a channel to cease and desist from broadcasting pursuant to paragraph 10.6.2.9 of the Code of Practice for Market Conduct in the Provision of Media Services 2010) whilst it investigates any suspicions it has that the Remedy is being circumvented.

We believe that these measures are draconian and disproportionate and that there remains a very strong risk that the Remedy will necessarily subject every contract to a subjective *ex post facto* determination by MDA officials. We would suggest that a more measured approach be taken by the MDA and that the burden of proof is placed on the MDA to demonstrate that the arrangement *actually* has the effect of preventing or restricting the acquisition of channels or content by another person.

For the avoidance of doubt, NBCUniversal's overwhelming desire is that the MDA revokes the Remedy as an intervention into the market which will not benefit Singapore's flourishing pay television market or its consumers or the industry.

As previously, we remain available to continue discussions with the MDA, either directly or through CASBAA or the MPA.

Yours sincerely



Andrew Hall
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cc.

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