

## GUIDELINES FOR THE FAIR, REASONABLE AND NON-DISCRIMINATORY ALLOCATION OF CAPACITY ON MULTIPLEX C AND MULTIPLEX D

### 1 Introduction

- 1.1 When seeking to allocate capacity on its multiplexes, **Arqiva Muxco Limited** will follow the principles set out below:

### 2 Notification of available capacity

- 2.1 **Arqiva Muxco Limited** shall use reasonable endeavours to:
- (a) notify potential content providers of the availability of such capacity. This may, if appropriate, include advertising the availability of the capacity; and
  - (b) give potential content providers sufficient time to express an interest in the available capacity and negotiate terms with and, where appropriate, prepare a bid for submission to **Arqiva Muxco Limited**
- 2.2 **Arqiva Muxco Limited** shall use reasonable endeavours to give advanced notice to potential content providers where an existing contract is coming to an end

### 3 Selection of content providers and terms offered

- 3.1 **Arqiva Muxco Limited** will make available proposed terms and conditions to any potential content provider which submits an expression of interest following the notification of the availability of capacity
- 3.2 Proposed terms and conditions will be indicative only and **Arqiva Muxco Limited** will enter into further discussions on price and terms with potential content providers based on the principles set out in paragraph 3.3 below
- 3.3 In agreeing prices and other terms and conditions, **Arqiva Muxco Limited** will not unduly discriminate between content providers. Any difference in treatment will be based on one or more objective factors which may include but are not necessarily limited to the following:
- (a) the financial value offered;
  - (b) the level of commercial risk to be undertaken by **Arqiva Muxco Limited** in contracting with the potential content supplier - which will be affected, for example, by certainty of income, the length of the contract and the scale of the risk in the context of **Arqiva Muxco Limited's** overall business;
  - (c) the attractiveness of content to consumers and the ability of the content to attract new viewers; and whether the service proposed by the potential content provider promotes diversity of services on the DTT Platform;
  - (d) in the case of a potential content provider seeking renewal of an existing contract on the DTT Platform, the continued attractiveness of content to existing consumers;
  - (e) compliance with any relevant conditions in a multiplex licence held by **Arqiva Muxco Limited**;

- (f) market conditions at the time at which the contract is negotiated - for example, the structure and level of charges negotiated at the time of re-launch of the platform may be different to those negotiated where there has been significant consumer interest and take-up of services

**Arqiva Muxco Limited** may revise and update these guidelines from time to time. Any such revised guidelines will be posted on [www.arqiva.com](http://www.arqiva.com)

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