



D01/43015

**Australian Competition & Consumer Commission**

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Dickson ACT 2602  
Australia

Our Ref: C2001/1212  
Contact Officer: Brenton Philp  
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21 September 2001

Mr David Sellar  
Managing Director  
Smile Communications Australia Pty Ltd  
Suite 13, 5 Vuko Place  
WARRIEWOOD NSW 2102

*By facsimile: (02) 9970 5788*

Dear Mr Sellar

**Re: Third line forcing notification 90893 lodged by Smile Communications  
Australia Pty Ltd (Smile)**

The above notification was lodged with the Australian Competition and Consumer Commission (the Commission) on 5 September 2001 and has been placed on the Commission's public register. You have described the notified conduct as involving the offer by Smile of a discount on online data back-up services on condition that the customer acquire internet services from Optus Internet Pty Limited. Legal immunity provided by the third line forcing notification came into force on 19 September 2001.

On the basis of the information which you provided to the Commission, I have decided not to make inquiries concerning the notified conduct.

Please note that the Commission may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the public benefit arising from the notified conduct does not outweigh the public detriment arising from the conduct.

This letter has been placed upon the Commission's public register. If you wish to discuss any aspect of this matter further, please do not hesitate to contact Brenton Philp on (02) 6243 1220.

Yours sincerely

Tim Grimwade  
A/g General Manager  
Adjudication Branch

