

**Australian Competition & Consumer Commission**

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Our Ref: C2002/415; C2002/731  
Contact Officer: Amanda Dadd  
Contact Phone: 02 6243 1391

8 October 2002

Mr Stephen Kroker  
Partner  
Corrs Chambers Westgarth  
GPO Box 9925  
MELBOURNE VIC 3001

Dear Mr Kroker

**Third line forcing notifications lodged by BP Australia Pty Limited**

I refer to the following third line forcing notifications lodged with the Australian Competition and Consumer Commission ("the Commission") by BP Australia Pty Limited ("BP"):

- N90978 lodged by BP on 7 March 2002 in relation to BP preferred suppliers; and
- N90999 lodged by BP on 13 May 2002 in relation to electricity supplier arrangements.

A number of concerns have been raised with the Commission in relation to the above notifications, including that:

- the notifications will substantially restrict the ability of franchisees to deal with local suppliers should that be their preference;
- the restrictions on franchisees dealing with suppliers of their choice on a nationwide basis will result in less choice of goods for consumers; and
- the notified conduct will result in benefits to BP which will not necessarily be passed on to its franchisees.

The Commission is in the process of reviewing the notifications in light of the above concerns and has sought submissions from interested parties on the public benefit and/or detriment likely to flow from the notified conduct.



The Commission will forward any submissions received from interested parties to you for your client's comment as soon as they are available.

Should you have any queries or if you wish to discuss any aspect of this matter please contact Ms Amanda Dadd on 02 6243 1391.

Yours sincerely

A handwritten signature in black ink, appearing to be 'T Grimwade', written in a cursive style.

**Tim Grimwade**  
**General Manager**  
**Adjudication Branch**