



Australian Competition & Consumer Commission

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Our Ref: C2004/97  
Contact Officer: Danielle Jolly  
Contact Number: (02) 6243 1236

16 March 2004

Tony O'Malley  
Partner  
Mallesons Stephen Jaques  
Level 60, Governor Phillip Tower  
1 Farrer Place  
Sydney NSW 2000

Dear Mr O'Malley

**Re: Third line forcing notification No. N31268,  
lodged by Telstra eBusiness Service Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 17 December 2003.

You have described the conduct as Telstra eBusiness supplying virtual private network services on the condition that subscribers obtain carriage services from a provider approved by Telstra eBusiness; a PKI certificate from a provider nominated by Telstra eBusiness; a nominated brand of security gateway device and accept that connection between carriage service providers will be provided by a single exchange point operator. Legal immunity provided by the notification commenced on 31 December 2003.

On the basis of the information that you have provided, including your reference to the information provided with Notification N90971 on which your client relies and considers to still be applicable and correct, it is not intended that further action be taken in this matter at this stage.

As with any notification, 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 likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.



This letter has been placed on the Commission's public register. If you wish to discuss any aspect of this matter please contact Danielle Jolly on (02) 6243 1236

Yours sincerely

A handwritten signature in black ink, appearing to be 'T. Grimwade'.

Tim Grimwade  
General Manager  
Adjudication Branch