



**Australian
Competition &
Consumer
Commission**

Our Ref: C2004/1933, C2004/1935, C2004/1937
Contact Officer: Gavin Jones
Contact Number: (03) 9290 1959

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

6 January 2005

Ms Josephine Johnston
Senior Legal Council
FOXTEL
GPO Box 99
SYDNEY NSW 2001

Dear Ms Johnson

**Third line forcing notifications lodged by
FOXTEL Management Pty Limited (N91570, N91571, N91572)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the Commission) on 16 December 2004. These notifications have been placed on the Commission's public register.

FOXTEL has described the conduct as follows:

N91570

FOXTEL has received legal immunity from the ACCC for the attached third line forcing promotion (N91560). Foxtel intends to extend this promotion to 19 January 2005. This promotion offers new subscribers to FOXTEL's digital service a \$0 standard metropolitan installation on the basis of a 24 month direct debit plan. FOXTEL will offer new subscribers (not migrating customers) the opportunity to take up a \$70 cash back offer for new connections to the Telstra BigPond broadband internet service on selected 24 month plans.

N91571

FOXTEL intends to commence a promotion on 4 January 2005 (ceasing 31 March 2005) offering new subscribers (not migrating subscribers) to FOXTEL's digital service on selected 24 month direct debit plans, the opportunity to take up a \$70 cash back offer for new connections to the Telstra BigPond broadband internet service on selected 24 month plans.



In your letter of 24 December 2004, you advised that the offers the subject of the above notifications do not extend to ADSL services offered by Telstra BigPond.

N91572

FOXTEL intends to commence the following promotions with Coles Myer:

1. From 13 December 2004 (ceasing on 31 January 2005 or earlier if stocks run out) offering:
 - a. a free standard FOXTEL Digital installation and 6 months subscription to the Big Value package when the customer purchases any television over \$4000.
 - b. a free standard FOXTEL Digital installation and 12 months subscription to the Big Value package when the customer purchases any television over \$8000.
2. From 2 January 2005 (ceasing 16 January 2005 or earlier if stocks run out) offering a free standard FOXTEL digital installation and 12 months subscription to the Big Value package when the customer purchases a Panasonic TH42PV30 plasma television, Panasonic TUHDT104A Set top box, Panasonic DMRE55 DVD recorder, and Panasonic SCHAT07 home theatre system.
3. From 20 January 2005 (ceasing 3 February 2005 or earlier if stocks run out) offering:
 - a. a free standard FOXTEL Digital installation and 12 months subscription to the Big Value package when the customer purchases a Samsung PS42D4SKX plasma television, Samsung DTB9401F set top box, Samsung DVDR100 DVD recorder and Samsung DVDCM500 home theatre system.
 - b. a free standard FOXTEL Digital installation and 12 months subscription to the Big Value package when the customer purchases a Philips 30PF9946 LCD television, Philips HDRW720 DVD recorder and Philips LX8320SA home theatre system.

If the customer is a current FOXTEL analogue customer they will receive a free standard FOXTEL Digital upgrade and the corresponding number of months free subscription depending on the bundle purchased above. Also, current FOXTEL Digital subscribers will receive the FOXTEL value of the promotion as credit on their current account depending on the bundle purchased above. In each situation the customer is not required to enter into a contract of any particular length with FOXTEL for ongoing subscription. At the end of the free

subscription period, no termination fee is payable if the subscriber wishes to cease receiving the service.


Legal immunity conferred by the notifications commenced on 30 December 2004.

On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

Please note that the Commission may act to remove the immunity afforded by these notifications 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 do not hesitate to contact Gavin Jones on (03) 9290 1959.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson
A/g General Manager
Adjudication Branch



**Australian
Competition &
Consumer
Commission**

Our Ref: C2004/1933, C2004/1935, C2004/1937
Contact Officer: Gavin Jones
Contact Number: (03) 9290 1959

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

6 January 2005

Ms Josephine Johnston
Senior Legal Council
FOXTEL
GPO Box 99
SYDNEY NSW 2001

Dear Ms Johnson

**Third line forcing notifications lodged by
FOXTEL Management Pty Limited (N91570, N91571, N91572)**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the Commission) on 16 December 2004. These notifications have been placed on the Commission's public register.

FOXTEL has described the conduct as follows:

N91570

FOXTEL has received legal immunity from the ACCC for the attached third line forcing promotion (N91560). Foxtel intends to extend this promotion to 19 January 2005. This promotion offers new subscribers to FOXTEL's digital service a \$0 standard metropolitan installation on the basis of a 24 month direct debit plan. FOXTEL will offer new subscribers (not migrating customers) the opportunity to take up a \$70 cash back offer for new connections to the Telstra BigPond broadband internet service on selected 24 month plans.

N91571

FOXTEL intends to commence a promotion on 4 January 2005 (ceasing 31 March 2005) offering new subscribers (not migrating subscribers) to FOXTEL's digital service on selected 24 month direct debit plans, the opportunity to take up a \$70 cash back offer for new connections to the Telstra BigPond broadband internet service on selected 24 month plans.



In your letter of 24 December 2004, you advised that the offers the subject of the above notifications do not extend to ADSL services offered by Telstra BigPond.

N91572

FOXTEL intends to commence the following promotions with Coles Myer:

1. From 13 December 2004 (ceasing on 31 January 2005 or earlier if stocks run out) offering:
 - a. a free standard FOXTEL Digital installation and 6 months subscription to the Big Value package when the customer purchases any television over \$4000.
 - b. a free standard FOXTEL Digital installation and 12 months subscription to the Big Value package when the customer purchases any television over \$8000.
2. From 2 January 2005 (ceasing 16 January 2005 or earlier if stocks run out) offering a free standard FOXTEL digital installation and 12 months subscription to the Big Value package when the customer purchases a Panasonic TH42PV30 plasma television, Panasonic TUHDT104A Set top box, Panasonic DMRE55 DVD recorder, and Panasonic SCHAT07 home theatre system.
3. From 20 January 2005 (ceasing 3 February 2005 or earlier if stocks run out) offering:
 - a. a free standard FOXTEL Digital installation and 12 months subscription to the Big Value package when the customer purchases a Samsung PS42D4SKX plasma television, Samsung DTB9401F set top box, Samsung DVDR100 DVD recorder and Samsung DVDCM500 home theatre system.
 - b. a free standard FOXTEL Digital installation and 12 months subscription to the Big Value package when the customer purchases a Philips 30PF9946 LCD television, Philips HDRW720 DVD recorder and Philips LX8320SA home theatre system.

If the customer is a current FOXTEL analogue customer they will receive a free standard FOXTEL Digital upgrade and the corresponding number of months free subscription depending on the bundle purchased above. Also, current FOXTEL Digital subscribers will receive the FOXTEL value of the promotion as credit on their current account depending on the bundle purchased above. In each situation the customer is not required to enter into a contract of any particular length with FOXTEL for ongoing subscription. At the end of the free

subscription period, no termination fee is payable if the subscriber wishes to cease receiving the service.

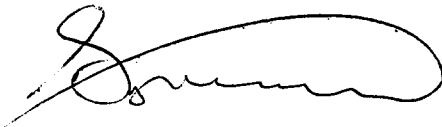
Legal immunity conferred by the notifications commenced on 30 December 2004.

On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

Please note that the Commission may act to remove the immunity afforded by these notifications 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 do not hesitate to contact Gavin Jones on (03) 9290 1959.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish at the end.

Scott Gregson
A/g General Manager
Adjudication Branch