



**Australian
Competition &
Consumer
Commission**

Our Ref: N91748
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

10 June 2005

Ms Trudi Bean
Corporate Counsel
Optus
PO BOX 1
NORTH SYDNEY NSW 2059

Dear Ms Bean

**Third line forcing notification lodged by
Optus Mobile Pty Limited (N91748)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 26 May 2005. The notification has been placed on the Commission's public register.

Optus Mobile has described the conduct as follows:

Optus Internet and American Express are undertaking a joint marketing initiative whereby:

(i) certain American Express cardholders will receive \$0 broadband installation plus 3,000 bonus points for the rewards program applicable to their card, when the cardholder:

- enters into a minimum 12 month contract with Optus Internet for the supply of broadband internet access services;
- connects to Optus Local & Long Distance for 12 months; and
- makes initial payment for these services using their eligible American Express card.

OR

(ii) certain American Express cardholders will receive 1,000 bonus points for the rewards program applicable to their card, when the cardholder:



- connects to Optus Internet for the supply of dial-up internet access services;
- connects to Optus Local and Long Distance for 12 months; and
- makes initial payment for these services using their eligible American Express card.

Legal immunity conferred by the notification commenced on 9 June 2005.

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 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 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 long horizontal flourish extending to the right.

Scott Gregson
A/g General Manager
Adjudication Branch