



Australian Competition & Consumer Commission

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
Australia
Ph (02) 6243 1111
Fax (02) 6243 1199

Our Ref: C2004/349
Contact Officer: Liam Stewart
Contact Number: 02 6243 1275

8 April 2004

Ms Liza Carver
Partner
Gilbert and Tobin
Level 37, 2 Park Street
SYDNEY NSW 1042

Dear Ms Carver

**Re: Third line forcing notifications No. N91353, N91354, N91355
lodged by Servco Pty Ltd, AGL Electricity Limited, AGL Victoria Pty Limited**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the Commission) on 10 February 2004.

You have described the conduct as the offer by the notifying parties of:

- (c) ancillary services and/or energy appliances to residential customers at certain discounts, allowances, rebates or credits on the condition that customers acquire both natural gas and/or electricity from AGL Victoria Pty Limited and/or AGL Electricity Limited, and
- (d) certain discounts, allowances, rebates or credits on the cost of ancillary services or energy appliances on the condition that customers acquire energy from AGL Victoria Pty Limited and/or AGL Electricity Limited.

Legal immunity provided by the notifications commenced on 24 February 2004.

On the basis of the information that you have provided, 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 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.



I note that your clients have requested confidentiality for the information contained in the Confidential Annexures attached to the notifications. The request for confidentiality was also reiterated and explained in a letter from Gilbert and Tobin dated 27 February 2004. As a person authorised to exclude documents from the public register for and on behalf of the Commission, I advise that the request has been granted.

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 Liam Stewart on 02 6243 1275.

Yours sincerely



Tim Grimwade
General Manager
Adjudication Branch