



**Australian
Competition &
Consumer
Commission**

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Our Ref: N40999/N41000
Contact Officer: Jaime Martin
Contact Phone: 03 9290 1477

20 December 2006

Mr Bill Nicholas
Online Shares Pty Ltd and It's My Super Pty Ltd
Unit 410, Level 4
60 Siddeley Street
Docklands VIC 3008

Dear Mr Nicholas

**Third line forcing Notifications:
N40999 lodged by Its My Super Pty Ltd
N41000 lodged by Online Shares Pty Ltd**

I refer to the above notifications lodged by Its My Super (N40999) and Online Shares (N41000) on 28 July 2006. I refer also to previous letters from the Australian Competition and Consumer Commission (ACCC) on 3 August 2006 and 3 October 2006 which requested further information in relation to the notified arrangements.

In particular, we requested that you please clarify the following matters:

- i) that the Share Trading Account (referred to at 2(b) in N40999) must also be opened with Suncorp; and
- ii) the full trading name of the Suncorp entity that the accounts must be opened with.

We also requested you to provide the following information:

- iii) the public benefit likely to arise from the conduct described in N41000; and
- iv) further details of the cost savings likely to arise from the conduct described in N40999 and any other public benefits flowing from the conduct.

The ACCC has not, to date, received a response to the request.

To assist the ACCC in considering exclusive dealing notifications, it is important for notifying parties to clearly identify the notified conduct and to set out the public benefits likely to arise from the notified conduct.



In this regard, I do not consider the information requested to be overly burdensome, and merely seeks to clarify the notified conduct and to seek information regarding the likely public benefits of the arrangements.

Accordingly, I seek your response providing the requested information by no later than **Thursday, 25 January 2007**. Included in your response, please confirm whether Online Shares and Its My Super are still engaging in the notified conduct.

As you are aware, the ACCC may act to remove the immunity provided by an exclusive dealing notification if it is satisfied that the likely public benefit from the conduct does not outweigh the likely public detriment.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter further, please contact Ms Jaime Martin on (03) 9290 1477 or at jaime.martin@accc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch