



**Australian
Competition &
Consumer
Commission**

Your Ref: RB:CAS
Our Reference: C2007/1306 and C2007/1335
Contact Officer: Sarah Chubb
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16 July 2007

Mr Robert Barnes
Attorney
Barnes & Wenden
Level 2, 222 Clarence Street
SYDNEY NSW 2000

Dear Mr Barnes

Third line forcing notifications N92957-N92971 and N92982 lodged with respect to the Servo Savers scheme

I refer to the above third line forcing notifications which were lodged with the Australian Competition and Consumer Commission (the ACCC) on 19 June 2007 and 25 June 2007.

The notifications were lodged by the following parties:

- Luan Cong Le – N92957
- Daniel & AS Pty Ltd – N92958
- Austral Hardware Pty Ltd – N92959
- Alexander C Stores Pty Ltd – N92960
- APNA Trading Pty Ltd – N92961
- Ottoonno Pty Ltd – N92962
- Wakelin Nominees Pty Ltd – N92963
- Ashbury Holdings Pty Ltd – N92964
- United Petroleum Pty Ltd – N92965
- L Lila Pty Ltd – N92966
- South Canberra Investments Pty Ltd – N92967
- Townsend Industries Pty Ltd – N92968
- Rana Group (Aust) Pty Ltd – N92969
- Prasad Kalla – N92970
- Vishnu Associates Pty Ltd – N92971
- S A & G Babatsias Pty Ltd – N92982

The notifications have been placed on the ACCC's public register.



You describe the conduct in each Form G as follows:

Sale of fuel at a discount subject to the customer purchasing a specified dollar amount of goods or services at 'participating businesses'.

Legal immunity conferred by notifications N92957-N92971 commenced on 3 July 2007, while legal immunity conferred by notification N92982 commenced on 9 July 2007.

The ACCC has considered the above notifications in light of submissions previously put to it by interested parties in relation to similar notifications, as well as its own investigations. In light of this previous consideration and the information you have provided, the ACCC does not intend to take any further action in relation to the notifications at this stage.

I note that my emails of 25 June and 5 July 2007 requests that you provide the ACCC with the attachments referred to in the notifications. The ACCC is yet to receive these attachments from you and I request your response as soon as possible.

Please note that, as with any notification, the ACCC may act to remove the immunity afforded by these notifications at a later stage if it becomes satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

I also note that, in promoting the offer, consumers should be made aware of any exclusions or conditions that may apply.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sarah Chubb on (02) 6243 1088.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Scott Gregson', written over a horizontal line.

Scott Gregson
General Manager
Adjudication Branch