

ACN 008 849 705

Correspondence to:
P.O. Box 1403
Bunbury 6231

Unit 7 Edward Court,
Edward Street, Bunbury
Western Australia 6230

Telephone (097) 911 766
Facsimile (097) 911 929



B·E·L·V·E·N
ENTERPRISES-PTY-LTD

FILE NO:	
DOC.	
MARS/PRISM:	

1st February 2007

Australian Competition & Consumer Commission
PO Box 1199
Dickson ACT 2602
Mr Hew Atkin


Dear Hew Atkin,

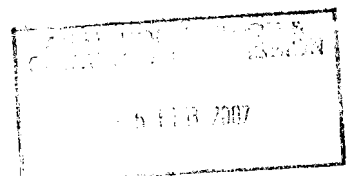
Re: **Exclusive Dealing Notification**

Please find attached the completed "Form G" you sent out on the 10th January 2007 to Belven Enterprises. Also enclosed is the filing fee of \$100.

Should you have any questions in regards to the completed form, please do not hesitate to give me a ring on the number stipulated above.

Yours sincerely,
For Belven Enterprises Pty Ltd T/as Myles Service Stations


Raymond Grigg
Business and Finance Manager



Form G

Commonwealth of Australia
Trade Practices Act 1974 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

(a) Name of person giving notice:
(Refer to direction 2)

BELVEN ENTERPRISES PTY LTD GAS MYLES SERVICE STATIONS

(b) Short description of business carried on by that person:
(Refer to direction 3)

RETAILER OF PETROLEUM PRODUCTS

(c) Address in Australia for service of documents on that person:

UNIT 7, EDWARDS COURT, 8 EDWARDS STREET, BUNBURY WA 6231

2. Notified arrangement

(a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

PETROLEUM PRODUCTS - FUELS

(b) Description of the conduct or proposed conduct:

HONOURING OF COLES FUEL DISCOUNT OFFER THROUGH THE FOLLOWING SERVICE STATIONS :- SHELL CONNORBOURN COLLE, SHELL CAUSEWAY BUSFELDN, SHELL DUNSBOROUGH AND SHELL MARGARET RIVER.

(Refer to direction 4)

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

(a) Class or classes of persons to which the conduct relates:

(Refer to direction 5)

CUSTOMERS OF COLES SUPERMARKETS, BI-LO, LIQUORLAND, COLES CENTRAL, PICK 'N' PAY HYPERMARKET, COLES ONLINE SHOPFAST AND OTHER ENTITIES WHO SPEND THE AMOUNT SET BY COLES TO OBTAIN FUEL DISCOUNT OFFER.

(b) Number of those persons:

(i) At present time:

JANUARY 2006 - DECEMBER 2006 - 82,500 CUSTOMERS. CUSTOMER EQUALS SOMEONE REDEEMING DISCOUNT OFFER.

(ii) Estimated within the next year:

(Refer to direction 6)

JANUARY 2007 - DECEMBER 2007 - 84,975 CUSTOMERS

(c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

4. Public benefit claims

- (a) Arguments in support of notification: (Refer to direction 7)

CUSTOMERS OF COLES RELATED ENTITIES WHO QUALIFY FOR THE FUEL DISCOUNT OFFER WILL BENEFIT BY PAYING LESS FOR THEIR FUEL PURCHASES. IN THE PAST YEAR COLES CUSTOMERS HAVE BENEFITED BY AT LEAST \$133,200 THROUGH OUR SERVICE STATIONS.

- (b) Facts and evidence relied upon in support of these claims:

JANUARY 2006 - DECEMBER 2006 3,300,000 LITRES PUMPED THROUGH OUR SITES ARE COLES CUSTOMERS REDEEMING THEIR DISCOUNT. 3,300,000 x 4 CPL (MINIMUM - SOME FUEL DISCOUNT OFFERS ARE FOR 10 CPL, 16 CPL, PLUS COMBINATIONS OF OFFERS IE 4 CPL PLUS 16 CPL) = \$133,200

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions): (Refer to direction 8)

THE BENEFIT TO THE PUBLIC FROM THIS PROPOSAL IS THAT COLES CUSTOMERS CAN USE THE FUEL DISCOUNT OFFERS IN SMALL COUNTRY TOWNS THAT DO NOT HAVE A COLES EXPRESS SERVICE STATION IN THEM. ALL OUR SITES ARE IN SMALL TOWNS THAT DOES NOT HAVE A COLES EXPRESS.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets: (Refer to direction 9)

SHOULD THIS PROPOSAL BE DENIED AT LEAST 84,975 CUSTOMERS (AS DEFINED) IN THE SOUTHWEST OF WESTERN AUSTRALIA WILL HAVE TO PAY MORE FOR THEIR FUEL EFFECTIVE IMMEDIATELY. GIVEN THERE ARE OTHER SUCH ARRANGEMENTS THROUGHOUT AUSTRALIA IE WOOLWORTHS / CPTX ISA/BI COLES CUSTOMERS WOULD BE ADVISELY EFFECTED. MYLES SERVICE STATIONS PROPOSAL IS AN

- (b) Facts and evidence relevant to these detriments:

AGREEMENT BETWEEN COLES AND MYLES SERVICES WE DO NOT HONOUR COLES FUEL DISCOUNT OFFERS WHERE A COLES EXPRESS STORE IS PRESENT IE HUNBURY. MYLES PURCHASE FUEL FROM STORE UNDER ITS CURRENT SUPPLY AGREEMENT. WE ARE NOT TIED TO COLES EXPRESS AGREEMENT WITH SHELL. MYLES SERVICE STATIONS SET ITS OWN RETAIL PRICING AT EACH STORE AND IS NOT INFLUENCED OR REGULATED BY COLES IN ANY WAY WITH SETTING ITS DAILY RETAIL PRICES. THE ONLY INFLUENCE ON OUR DAILY RETAIL PRICE IS THE PRICE SHELL WHOLESALERS PETROLUM PRODUCTS TO MYLES AS PER OUR CURRENT SUPPLY AGREEMENT. *

* THE IMPACT OF THIS PROPOSAL BEING DENIED WOULD BE FAR GREATER THAN OUR 84,975 CUSTOMERS. MYLES AND COLES HAVE AN SUCH A FUEL SERVICE AGREEMENT FOR NEARLY 3 YEARS NOW WITHOUT ANY PROBLEMS BEING INCURRED

7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

RAMON D GIBB, PO Box 1403, BUNBURY WA 6231
Phone No.'s - (08) 97911766 0417 980648
Fax No. (08) 97911929.

Dated 1/2/2007

Signed by/on behalf of the applicant
[Signature]

(Signature)
RAMON D GIBB

(Full Name)
BUNBURY ENTERPRISES PTY LTD TRAS MYLES SERVICE STATIONS.

(Organisation)
BUSINESS & FINANCE MANAGER.

(Position in Organisation)