



**Australian
Competition &
Consumer
Commission**

Our Ref: C2008/1914
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3 December 2008

John Pettit
National Fuel Manager
7-Eleven Stores Pty Ltd
357 Ferntree Gully Road
Mount Waverley VIC 3149

Dear Mr Pettit

**Third line forcing notification N93707 lodged by
7-Eleven Stores Pty Ltd (7-Eleven)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 20 November 2008.

By facsimile received by the ACCC on 3 December 2008, you advised that as the proposed conduct is no longer proceeding, 7-Eleven has withdrawn the notification. Section 93(7B) of the *Trade Practices Act 1974* (the Act) provides that the legal immunity conferred by the lodging of a third line forcing notification does not come into force where the notification is withdrawn before such immunity would come into force, in this instance, before 4 December 2008.

Accordingly, the ACCC will not proceed with its assessment of the notification and has closed the matter.

In response to your request for the notification to be removed from the ACCC's public register, section 95(1)(c) of the Act requires the ACCC to maintain a register of all notifications, including those that have been withdrawn. As a result, 7-Eleven's notification will be placed in the 'Withdrawn' section of the Notifications public register.

This letter has been placed on the ACCC's public register and website. If you wish to discuss any aspect of this matter, please contact Simon Mitchell on (03) 9290 6909 or at simon.mitchell@acc.gov.au.

Yours sincerely

David Hatfield
Director
Adjudication Branch