



**Australian
Competition &
Consumer
Commission**

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Our Ref: N93391
Contact Officer: Ilona Balint
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23 April 2008

Ms Kate Palethorpe
Corporate Lawyer
SMART Pty Ltd
Level 3, 554 Church Street
Richmond VIC 3121

Dear Ms Palethorpe

**Third Line Forcing notification lodged by Sales Marketing and Real Technologies
– SMART Pty Ltd (N93391)**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 17 April 2008. The notification has been placed on the ACCC's public register.

Sales Marketing and Real Technologies – SMART Pty Ltd (SMART) have described the conduct as follows:

Pursuant to the proposed arrangement SMART will supply the SMART Loyalty Card to customers on the condition that the customer obtain residential electricity from Simply Energy.

Legal immunity conferred by the notification will come into force on 1 May 2008.

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 ACCC may act to remove the immunity afforded by the notification 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.

A copy of 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 Ilona Balint on (02) 6243 1113.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Hatfield', written in a cursive style.

David Hatfield
Acting General Manager
Adjudication Branch