



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1693
Contact Officer: Lauren Roy
Contact Phone: (02) 6243 4940

29 January 2009

Dear Sir/Madam

**Woolworths Limited and Australian Independent Retailers Pty Ltd
- exclusive dealing notifications N93625 & N93626
- draft notice**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft notice proposing to revoke the exclusive dealing notifications lodged by Woolworths and Australian Independent Retailers (AIR) on 17 October 2008.

Woolworths and AIR are seeking immunity in relation to a proposal to offer pay at pump facilities at Caltex Woolworths and Caltex Safeway fuel outlets on condition that the customer acquires a Woolworths Everyday Money Credit Card.

Draft notice

A copy of the ACCC's draft notice is attached, including a summary of its reasons. For the reasons set out in its draft notice, the ACCC proposes to revoke exclusive dealing notifications N93625 & N93626. The ACCC's assessment is set out in Chapter 5 of the draft notice.

Next steps

Once the ACCC issues a draft notice, the notifying party or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference is a public meeting, which provides the opportunity for interested parties to make oral submissions in relation to the draft notice. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **12 February 2009**.

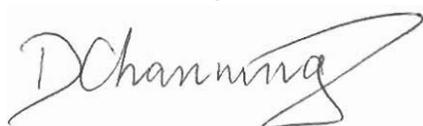
Should a pre-decision conference be called it is likely to be held in mid-February. If a conference is called, the ACCC will write to you again to confirm details.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **23 February 2009**. The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are available at www.accc.gov.au).

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 Lauren Roy on (02) 6243 4940.

Yours sincerely

A handwritten signature in black ink that reads "DChanning". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Darrell Channing
Director
Adjudication Branch