



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2010/1042
Contact Officer: Luke Griffin
Contact Number: 02 6243 1114

6 December 2010

Tony Percival
Senior Legal Counsel
FOXTEL Management Pty Limited
5 Thomas Holt Drive
North Ryde NSW 2113

Dear Mr Percival

**Third line forcing notification N95180 lodged by
FOXTEL Management Pty Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 November 2010. The notification has been placed on the ACCC's public register.

FOXTEL Management Pty Limited (**FOXTEL**) proposes to offer to supply a FOXTEL iQHD set top unit free of charge to existing FOXTEL subscribers who do not currently have such a unit, on the condition that they set up direct debit from a MasterCard as the method of payment for FOXTEL subscription fees. I also note that the offer may be extended to customers who already pay FOXTEL subscription fees with MasterCard by direct debit.

Legal immunity conferred by the notification will commence on 7 December 2010.

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.

This assessment has been made on the basis that FOXTEL will disclose all relevant terms and conditions to prospective clients.

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 Luke Griffin on (02) 6243 1114.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch