

FILE No:

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**Form G**  
Commonwealth of Australia

*Trade Practices Act 1974 - Sub-section 93(1)*

## NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in 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)

N95218  
N95219  
N95220  
N95221

Optus Networks Pty Limited ("Optus Networks") (ACN 008 570 330),  
Optus Internet Pty Limited ("Optus Internet") (ACN 083 164 532), Optus  
Vision Pty Limited ("Optus Vision") (ACN 066 518 821), and Optus  
Mobile Pty Limited ("Optus Mobile") (ACN 054 365 696), together  
referred to in this document as "**Optus**".

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

Optus is a supplier of local and long distance landline telephony services and operator services. Optus Internet is a supplier of internet products and services. Optus Mobile is a supplier of mobile telecommunications services.

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

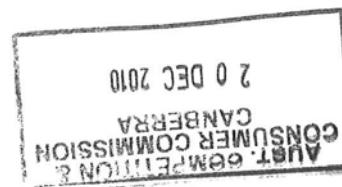
1 Lyonpark Road, Macquarie Park NSW 2113  
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**2. Notified arrangement**

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

New Optus Customers who choose to purchase any combination of the following products: Telephony, Internet, Mobile, will be invited to purchase any combination of these products from Optus.

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(b) Description of the conduct or proposed conduct:

When you decide to purchase Optus Telephony, Internet, Mobile, you will receive a one off credit of between \$50 - \$100 on your Optus bill when you decide to purchase Foxtel Satellite Service from Optus as an agent of Foxtel and the same time.

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(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)

The class of persons to whom the conduct relates is the class of person who acquires, or will acquire landline and mobile telecommunications, internet and Pay TV products and services from Optus.

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(b) Number of those persons:

(i) At present time:

Approximately 6 million existing Optus customers

(ii) Estimated within the next year:

(Refer to direction 6)

Approximately 6 million plus any new Optus customers.....

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

N/A.....  
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.....  
.....

4. **Public benefit claims**

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

The public benefit of this notification is that Foxtel Satellite Services will now have another agent for the sale of their services, and in addition individual consumers will receive a credit of between \$50 - \$100 on their Optus bill.

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

The proposed conduct offers benefits to Optus Consumer customers by giving them between \$50 - \$100 credit on their Optus bill

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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)

Optus Networks, Optus Internet, Optus Vision and Optus Mobile are wholly owned subsidiaries of Singtel Optus Limited.

Optus Networks is a supplier of landline telephony services. Optus Internet is a supplier of internet products and services. Optus Vision is a supplier of subscription television services. Optus Mobile is a supplier of mobile telecommunications services.

In Australia there are three main providers of local and long distance telephony services to residential (consumer) customers - Telstra, AAPT and Optus; they all compete vigorously for customers. Consequently, competitive packages are available to the public in respect of local and long distance telephony services at any given time, and each provider seeks to deliver value added benefits to enhance their competitive edge and reward loyal customers.

Internet services in Australia are provided to residential (consumer) customers by five main internet service providers – Telstra, AAPT, iinet, TPG and Optus Internet. There is a great deal of competitive activity in this market and each provider strives to provide competitive service packages and value added benefits for existing customers.

Australian Subscription TV services are provided by three main suppliers and a number of smaller suppliers of the service – Foxtel, Austar and Optus are the main platforms with Transact as one example of a smaller provider. Competition in this market is very strong and providers make strong value offers to customers with added benefits for existing customers

The Australian Mobile market has four main competitors – Telstra, Vodafone, Hutchison Three (3), and Optus Mobile. Competition is fiercest in this market with a variety of competitive packages available to residential customers. Each provider also strives to secure a competitive edge by providing its existing customer base strong added value benefits, over and above their pricing packages, to secure loyalty and minimise churn within the market.

Optus wishes to enhance its competitive position in that part of the telecommunications market that deals with the provision of local and long distance telephone services, mobile services internet products and services to residential or individual customers, excluding business customers, referred to by Optus as “Consumer” customers. It has therefore developed the offer with Foxtel to make its services attractive to its Consumer customers.

**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)*

Nil Detriments

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

The proposed conduct is not anti-competitive. Optus is of the view that its own competitive position can be enhanced by offering its new and existing Consumer customer base the special offer of getting a one off credit on their Optus bill when they take up a Foxtel subscription. Optus will then be in a position to offer customers the convenience of organising and purchasing telephony, mobile, broadband and TV from one provider (even though the customer will be signed up to a contract with Foxtel Services directly).

Although the conduct described in Form G may be exclusive dealing conduct within section 47(6) of the Act, Optus holds the view that the proposed conduct will have a negligible effect on competition in the market noted above.

**7. Further information**

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

Jennifer Perez, Corporate Counsel, Singtel Optus Pty Limited

1 Lyonpark Road, Macquarie Park NSW 2113

## DIRECTIONS

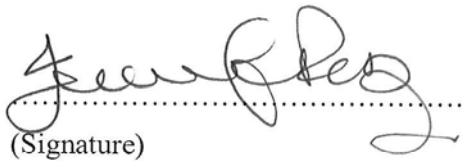
1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the Trade Practices Act 1974 have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.

Dated 15 December, 2010

Signed by/on behalf of the applicant

  
.....  
(Signature)

JENNIFER PEREZ  
.....  
(Full Name)

OPTUS  
.....  
(Organisation)

CORPORATE COUNSEL  
.....  
(Position in Organisation)