



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: 45950  
Contact Officer: Clare McGinness  
Contact Number: (03) 9290 6909

21 July 2011

Scott Carter  
General Manager  
M2 Clear Pty Ltd  
Level 10, 60 City Road  
Southbank VIC 3006

Sent via email: [Scott.Carter@m2.com.au](mailto:Scott.Carter@m2.com.au); [Jeremy.Zwaigoft@m2.com.au](mailto:Jeremy.Zwaigoft@m2.com.au)

Dear Mr Carter

**Third line forcing notification N95411 lodged by M2 Clear Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 20 May 2011. The notification has been placed on the ACCC's public register.

Recently, M2 Clear acquired certain assets from Clear Telecoms (Aust) Pty Ltd (Clear Telecoms). The acquisition included contracts with customers (Existing Customers) who were offered and received monthly call rebates from Clear Telecoms in respect of telecommunications services. M2 Clear proposes to continue that arrangement for the Existing Customers in order to preserve, and not unilaterally remove, the benefit of rebates that those Existing Customers currently receive. That is, M2 Clear will continue to offer rebates to the Existing Customers until the expiry of the minimum term of the contract between the Existing Customers and M2 Clear. Those rebates will be provided whether or not the Existing Customers remain bound by any third party agreement.

Legal immunity conferred by the notification commenced on 3 June 2011.

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.

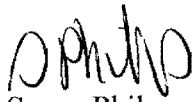
This assessment has been made on the basis that M2 Clear will disclose all relevant terms and conditions to Existing Customers.

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 Clare McGinness on (03) 9290 6909.

Yours sincerely

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

Susan Philp  
A/g General Manager  
Adjudication Branch