



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: 54490  
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6 May 2014

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Dear Mr Clayton

**Third line forcing notification N97388 lodged by Wesfarmers Kleanheat Gas Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 30 April 2014. The notification has been placed on the ACCC's public register.

Kleanheat Gas proposes to give a credit to Western Australian residents who sign up with Kleanheat Gas as their residential natural gas provider on condition that they are members of (or become a member of) the Flybuys scheme offered by Loyalty Pacific Pty Ltd.

Legal protection conferred by the notification will commence on 14 May 2014.

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 legal protection provided 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 Wesfarmers Kleanheat Gas Pty Ltd will disclose all relevant terms and conditions to prospective customers.

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 Anna Giannakos on (03) 9290 6920.

Yours sincerely

Dr Richard Chadwick  
General Manager  
Adjudication Branch