

MEMORANDUM

BELL GULLY

TO **Commerce Commission**

FROM **Torrin Crowther**

BY EMAIL

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Lineage/CSN: Comments on Commission interviews with third parties

We write below in relation to the interview notes provided up until 14 June 2022 by the Commission.

While we have been unable to confer with our client in relation to the confidential comments made, we draw out below what we believe to be the key themes from the interviews.

1. Overall

1.1 Our overall impression is that there is a lack of any real concern with the transaction. To the extent there were any reservations they were, in our view, muted – and even then [REDACTED]. In our view, the overwhelming weight of the evidence should be sufficient to satisfy the Commission an SLC is not likely.

1.2 It is therefore not entirely clear to us what is the source of the ‘mixed’ evidence. To the extent this reflects [REDACTED]:

(a) [REDACTED]

(b) [REDACTED]

1.3 A number of interviewees (including customers) were positive about the proposal. Moreover, the overall impression was that third parties saw the likes of Ruakura as being perfectly able to service those with Port of Tauranga requirements – with [REDACTED] reflecting the overall thrust of the comments.

1.4 Further, to the extent there is a preference for Tauranga [REDACTED] it is not at all apparent those preferences would reveal themselves to Lineage post-Acquisition, [REDACTED]

2. Market definition/constraint from Ruakura

[REDACTED]

3. Entry

[REDACTED]

4. In-house supply

[REDACTED]

5. Lineage/Transaction

[REDACTED]