INDEPENDENT STATE OF PAPUA NEW GUINEA

The Independent Consumer and Competition Commission Act 2002

Act, Sec 82

NOTICE OF APPLICATION FOR AUTHORISATION OF BUSINESS ACQUISITION

A Notice is submitted under section 82 of the ICCC Act 2002 for authorisation for a business acquisition (section 69)

1. (a) **Name of Applicant:**

   Puma Energy PNG Limited (Puma)

   (b) **Address in PNG for service of documents:**

   Puma Energy PNG Limited
   Level 1, Ravalien Haus
   Harbour City
   Konedobu, Port Moresby

   Attention: Hulala Tokome

   (c) **Short description of business carried on by Applicant in PNG and outside PNG, if appropriate.**

   Puma is part of the wider Puma Energy group, a global energy group which is active in close to 45 countries.

   Puma’s primary business is the wholesale and retail distribution and sale of refined petroleum products in Papua New Guinea.

   Puma Energy entered PNG in July 2014 with the acquisition of Interoil’s refinery and downstream businesses. With 10 seaboard terminals, 9 aviation facilities and 42 retail sites across PNG, Puma Energy provides fuel solutions to PNG businesses and people. Puma Energy, through another group company (Puma Energy PNG Refining Limited) also operates the oil refinery in Napa Napa, Papua New Guinea.

2. (a) **Description of the proposed acquisition, including details of the assets to be acquired in PNG and outside PNG, if appropriate.**

   Puma is contemplating entering into an agreement with PNG Ground Services Limited (PNGGS), a wholly owned subsidiary of Airlines of Papua New Guinea Limited (APNG), to acquire the business and assets of PNGGS.

   PNGGS currently primarily provides refuelling services to the fleet of aircraft operated by APNG. PNGGS operates out of Jackson’s Airport, Daru Airport, Gurney Airport and Lihir Airport. The assets being acquired by Puma from PNGGS include fuel storage tanks, refuelling equipment, vehicles, small office infrastructure, leases at Jackson’s Airport and Daru Airport and occupation rights at Gurney Airport and Lihir Airport.
Any agreement with PNGGS would be conditional on the satisfaction of certain
conditions precedent, including receipt of any necessary approval or authorisation from
the Commission.

3. (a) **Grounds for grant of authorisation.**

Please refer to Appendix A.

(b) **Facts and contentions relied on in support of those grounds.**

Please refer to Appendix A.

4. **If you require confidentiality for any material provided as part of the application please specify.**

If Puma is required to submit a copy of any transaction or other document in support of this
application, confidentiality is required in respect of all of those documents.

Puma requests that the information in Schedule 1 is treated as confidential and is not disclosed
to any other person without the prior consent of Puma. To this end, a redacted version of this
application is enclosed for the purposes of any stakeholder and/or public consultation or
disclosure.

Date: 13 April 2015

Hulala Tokome
General Manager
Puma Energy PNG Limited
Appendix A

Submission to the Independent Consumer and Competition Commission (Commission) by Puma Energy PNG Limited under section 82 of the Independent Consumer and Competition Commission Act 2002 (ICCC Act) in respect of an application for:

(a) in the first instance, a clearance under section 82(3)(a) of the ICCC Act, or, if such clearance is not provided;

(b) an authorisation under section 82(3)(b) of the ICCC Act.

1. Summary

Puma Energy PNG Limited (Puma) is contemplating entering into a conditional agreement with PNG Ground Services Limited (PNGGS), a wholly owned subsidiary of Airlines of Papua New Guinea Limited (APNG), to acquire the business and assets of PNGGS (Proposed Acquisition).

The Proposed Acquisition is conditional on the satisfaction of certain conditions precedent, including receipt of any necessary approval or authorisation from the Commission under the ICCC Act.

In summary, it is submitted that the Proposed Acquisition is not an acquisition that would have, or is likely to have, the effect of substantially lessening competition in a market because:

(a) Puma does not currently provide refuelling services at any of Jackson’s, Daru, Gurney or Lihir airports, so the Proposed Acquisition would not result in a reduced number of suppliers available at any of these airports;

(b) PNGGS does not currently provide true competition to the other market participants as it generally only services the fleet of aircraft operated by its parent company, APNG;

(c) the introduction of Puma to Jackson’s Airport will:

(i) bring increased competition to this important segment of the market – air carriers would now have a choice of 2 suppliers; and

(ii) provide an alternative for customers to the existing Joint User Hydrant Installation facility (JUHI) operated by Pacific Energy Aviation (PNG) Limited (PEAL);

(d) Puma’s existing vertical integration in the market is mitigated by:

(i) the price transparency that exists in the market through the Commission’s price monitoring role under the Prices Regulation Act 1949 (PR Act) and the market misconduct powers available to the Commission under the ICCC Act;

(ii) the fact that Puma’s key competitor, PEAL, will be on an ‘even playing field’ in terms of retail pricing, due to its expected switch to supply from the refinery ex-gantry following the expiry of its existing supply contract on or around September 2015;
(iii) low barriers to entry - the potential for new participants to enter the distribution market, particularly through the use of tanker trucks at Jackson’s Airport and/or other provincial airports; and

(iv) the ability for air carriers to enter the market and service their own refuelling requirements, much in the same way APNG services its own craft through PNGGS.

2. Background

2.1 Puma

Puma currently conducts refuelling operations at 9 provincial airports in Papua New Guinea, namely:

(a) Madang Airport, Madang Province;
(b) NADZAB, Lae, Morobe Provinces;
(c) Tokua Airport, Rabaul, East New Britain Province;
(d) Hoskins Airport, Kimbe, West New Britain Province;
(e) Kagamuga Airport, Mt Hagen, Western Highlands Province;
(f) Buka Airport, Bougainville Island;
(g) Kiunga Airport, Western Province;
(h) Kavieng Airport, New Ireland Province; and
(i) Wewak Airport, East Sepik Province.

Supply and refuelling at the above airports is conducted by way of tanker truck delivery, using assets and equipment owned by Puma.

Puma Energy PNG Refining Limited (Puma Refining), a related group company, operates the oil refinery at Napa Napa. The majority of Jet A-1 fuel produced by Puma Refining (83%) is sold and delivered to PEAL by Puma. PEAL is currently the main refuelling provider at Jackson’s Airport.

The remainder of the Jet A-1 fuel produced by Puma Refining is currently sold by Puma at the provincial airports noted above, with some product also supplied to APNG at its four existing refuelling operations (see paragraph 2.2 below).

2.2 PNGGS

PNGGS currently conducts refuelling operations at:

(a) Jackson’s Airport, National Capital District;
(b) Daru Airport, Western Province;
(c) Lihir Airport, New Ireland Province; and
(d) Gurney Airport, Milne Bay Province.

PNGGS’s refuelling operations are generally limited to the fleet of aircraft operated by its parent company, APNG. PNGGS does, however, supply limited quantities of Jet A-1 fuel to Air Niugini at Lihir Airport.

It is noted that PEAL also supplies product to Air Niugini, and limited quantities of Jet A-1 fuel to APNG at Jackson’s Airport.

As noted above, PNGGS currently sources its Jet A-1 fuel from Puma. Following completion of the Proposed Acquisition, APNG will continue to source its Jet A-1 fuel from Puma, the difference being Puma will provide into-plane refuelling services to APNG, rather than PNGGS. APNG and Puma propose to enter into a long-term fuel supply contract on arm’s length and competitive terms to govern this arrangement.

2.3 Historical ICCC submissions

In November 2005, InterOil Products Limited (now known as Puma Energy PNG Limited, ie. the Applicant) applied for authorisation under the ICCC Act to acquire Shell Papua New Guinea Limited (Shell PNG), ie. Shell’s in-country refined petroleum products wholesale and retail distribution business (Shell PNG Acquisition). The Commission granted that authorisation in February 2006.

Before completion of the Shell PNG Acquisition:

(a) Shell PNG acquired the 50% interest of Mobil Oil Products Limited (Mobil) in the JUHI at Jackson’s Airport (Shell/Mobil JUHI Acquisition); and

(b) after the acquisition of Mobil’s interest in the JUHI, Shell PNG transferred its 100% interest in the JUHI to a new entity, Shell Oil Products Limited (SOPL), in order for Shell to continue to supply aviation fuel at Jackson’s Airport via the JUHI after Shell PNG was sold to InterOil.

The Shell/Mobil JUHI Acquisition was itself the subject of a clearance application and was approved by the Commission in January 2006.

In August 2009, InterOil sought authorisation from the Commission for the acquisition of SOPL, the then owner/operator of the JUHI (2009 SOPL Acquisition). The Commission declined to authorise the 2009 SOPL Acquisition on the basis that it would substantially lessen competition in the relevant market/s.

In March 2010, PEAL (then known as Aviation Operations & Aircraft Refuelling (PNG) Limited) sought a clearance from the Commission for the acquisition of SOPL’s interest in the JUHI (PEAL Acquisition). The Commission granted a clearance for the PEAL Acquisition in April 2010.

2.4 Distinction from the 2009 SOPL Acquisition

It is submitted that the Proposed Acquisition is very different to the 2009 SOPL Acquisition.

The 2009 SOPL Acquisition would have resulted in InterOil owning the JUHI, a key piece of refuelling infrastructure at Jackson’s Airport. SOPL’s market dominance at the time would have resulted in InterOil becoming the primary refueller at Jackson’s Airport.

The Proposed Acquisition merely transfers the ownership of an existing small-scale tanker operation from PNGGS to Puma. Following completion of this transaction, competition will in
fact increase at Jackson's Airport. PEAL will have a genuine competitor, as PNGGS currently generally only services the aircraft of APNG, its parent company.

It is understood that PEAL also wishes to acquire the PNGGS business and assets. Any such acquisition would result in the number of suppliers at Jackson's Airport being reduced from two (PEAL and PNGGS) to one (PEAL).

3. Clearance / authorisation

Section 82(1) of the ICCC Act provides:

"A person who proposes to acquire assets of a business or shares may give the Commission a notice seeking authorisation for the acquisition."

Section 82(3) provides that, in response to a notice seeking an authorisation under section 82(1) of the ICCC Act, the Commission shall:

"(a) if it is satisfied that the acquisition will not have, and will not be likely to have, the effect of substantially lessening competition in a market, by notice in writing to the person by or on whose behalf the notice was given, give a clearance for the acquisition; or

(b) if it is satisfied that the acquisition will result, or will be likely to result, in such a benefit to the public that it should be permitted, by notice in writing to the person by or on whose behalf the notice was given, grant an authorisation for the acquisition."

Therefore, unlike the procedure and process followed for a notice seeking clearance for a business acquisition under section 81 of the ICCC Act, consideration of an application for an authorisation such as this is a two-staged process. It necessarily requires the Commission to be first of all satisfied that the acquisition will not have, or is unlikely to have, the effect of substantially lessening competition in the market. If it is so satisfied, then the Commission is obliged to grant a clearance under section 82(3)(a) of the ICCC Act.

On the other hand, if it is not so satisfied, then the Commission shall decline giving a clearance and move to the next stage where it will consider if the public benefits accruing are such that they outweigh any lessening of competition that may arise as a result of the acquisition. If this is the case, the Commission shall grant an authorisation under section 82(3)(b) of the ICCC Act.

4. Submission

It is Puma's submission that the Proposed Acquisition is not an acquisition that would have, or is likely to have, the effect of substantially lessening competition in a market. Puma therefore seeks from the Commission a clearance for the Proposed Acquisition under section 82(3)(a) of the ICCC Act.

Alternatively, if it is considered by the Commission that there may be a substantial lessening of competition in a relevant market, Puma submits that the public benefits of the Proposed Acquisition (see section 6 below) are such that they outweigh any lessening of competition that may occur as a result of the Proposed Acquisition. In such circumstances, it is submitted that the Commission should grant the necessary authorisation under section 82(3)(b) of the ICCC Act.
5. Market considerations

In order to understand whether a particular acquisition would have, or would be likely to have, the effect of substantially lessening competition in a market, it is necessary to examine and determine:

(a) the relevant market in which the business the subject of the Proposed Acquisition operates;

(b) the state of competition in that market; and

(c) the likely effect, if any, of the Proposed Acquisition on competition in that market.

5.1 Market

A clearly defined market is necessary for an effective competition analysis. Section 45(2) of the ICCC Act defines a market as being “a market in the whole of Papua New Guinea for goods and services as well as other goods and services that, as a matter of fact and commercial sense, are substitutable for them, including imports”.

Puma submits that the relevant market for the purposes of this application is the distribution and into-plane supply of Jet A-1 fuel in Papua New Guinea (Market).

5.2 State of competition in the Market

The state of the Market has changed considerably over the years, particularly with the gradual withdrawal of BP, Mobil and Shell. Puma Refining and Puma currently supply all retail Market participants ex-gantry or by way of delivery at airport, respectively.

The Commission currently monitors the price and volumes of Jet A-1 fuel under the PR Act.

The current suppliers with their respective approximate share of the Market are as follows:

(a) **Jackson’s Airport**

   Jackson’s Airport, a key segment of the Market, is currently characterised by the following suppliers and market shares:

   (i) PEAL (89%); and

   (ii) PNGGS (11%).

   Puma does not currently have a presence at Jackson’s Airport.

(b) **Daru, Lihir and Gurney Airports**

   PNGGS has a 100% market share at these airports.

   Puma does not currently have a presence at these airports, so there will be no reduction in the number of suppliers. It is submitted that the quality of service from Puma at these locations has the potential to be superior and will be viewed more favourably by potential customers due to Puma’s independence (ie. it is not a competing airline).

(c) **Other airports**
The Proposed Acquisition will not have any impact on the level of competition at any of the other airports in the Market.

5.3 Likely effect, if any, of the Proposed Acquisition on the Market

In making an assessment of the post-acquisition effect on competition in the Market, the Commission is required to take into account the factors set out in section 69(5) of the ICCC Act.

These factors, together with the appropriate input by Puma, are as follows:

(a) Actual and potential level of import competition in the market

It is submitted that the Proposed Acquisition will not have any impact on the level of import competition in the market.

Firstly, there is limited importation of Jet A-1 fuel in the Market. As noted above, all of the Market participants currently purchase product which is refined locally at Napa Napa. This is due in part to the Project Agreement in respect of the Napa Napa refinery, which contains an undertaking from the State to procure that domestic distributors purchase product first from domestic refiners, subject to certain conditions.

Secondly, while certain Market participants in the past have imported other related products such as aviation gasoline (avgas), which is not refined at Napa Napa, PNGGS does not import any such products. The level of import competition for these related aviation products will also remain unchanged.

Limited import competition for Jet A-1 fuel is available through the process of 'tankering', i.e. where an airline uplifts minimum fuel at high cost airports and maximises uplift at low cost airports (including airports throughout South-East Asia, Australia and the Pacific). This may result in costs savings for the relevant airline.

Airlines, by their very nature, are very mobile customers.

(b) Nature and effect of barriers to entry in the market

It is submitted that the barriers to entry in the Market will not be affected by the Proposed Transaction.

Potential does exist for new players to enter the Market, particularly through the use of tanker trucks at Jackson's Airport and/or other provincial airports. Comparatively low costs would be involved in any such entry and tanker truck delivery is generally seen as an effective alternative to delivery via the JUHI.

It would also be open for air carriers to enter the Market and service their own refuelling requirements, much in the same way APNG currently services its own craft through PNGGS.

(c) Number of buyers and sellers in the market

The number of sellers in the relevant parts of the Market will not decrease. In fact, as PNGGS is not a true competitor (servicing only its parent company), the number of suppliers will increase in the relevant parts of the Market.

Following completion of the Proposed Acquisition, Puma will become an additional seller of product at Jackson's Airport, the major segment of the Market. For the reasons set out above, while PNGGS currently operates out of Jackson's Airport, it is not a true
competitor of PEAL at this site. The introduction of Puma at Jackson’s Airport will increase the number of active sellers and increase competition, rather than lessen it.

In terms of the provincial airports where PNGGS currently operates, Puma will simply replace PNGGS as the operator of these assets. That is, the number of sellers remains the same (albeit Puma will be an active competitor looking to service APNG as well as other airlines).

The buyers in the Market consist of local airline operators (including APNG and Air Niugini), owners and operators of private aircraft and charterers that fly into Jackson’s Airport or other provincial airports.

\((d)\) Degree of countervailing power in the market

In terms of the customers in the Market, i.e. the purchasers of Jet-A1 fuel at the various airports, these participants do exert a degree of power. The Market by nature has limited customers, however the larger customers certainly do exert competitive influence on suppliers in terms of supply contracts and service arrangements.

Importantly, following the Proposed Acquisition, customers at Jackson’s Airport will now have the power to choose between supply from PEAL via the JUHI or from Puma or other new entrants through tanker supply.

There is also a precedent, and APNG is the example, for air carriers to enter the Market and service their own refuelling requirements at Jackson’s Airport and/or provincial or overseas airports. It is possible that this example could be reproduced by other carriers.

As discussed in paragraph 5.3(a) above, some air carriers do have the ability to exert a small degree of competitive power through the process of ‘tankering’.

While the countervailing power of customers is generally less at provincial airports, it is submitted that the degree of power of these customers will not be affected following the Proposed Transaction. In fact, in the case of Daru, Lihir and Gurney Airports, some customers may now have the option of purchasing product from Puma at these regional airports instead of purchasing fuel from PEAL at Jackson’s Airport.

\((e)\) Likelihood that the acquisition would result in the acquirer being able to significantly and sustainably increase prices or profit margins

As the price and volumes of Jet A-1 fuel is currently monitored by the Commission under the PR Act, a considerable level of price transparency exists in the Market.

The ICCC Act also contains extensive protections against market misconduct and the Commission does have various powers available to it, should any instances of market misconduct occur.

Puma’s existing supply arrangements with PEAL are due to expire in September 2015. Following this expiry, it is understood that PEAL will seek to take its supply from Puma Refining ex-gantry and transport the product itself to its business premises.

As a result, it is likely that Puma Refining will be supplying PEAL and Puma with product at very similar prices ex-gantry. This would place PEAL and Puma on a ‘level playing field’ and limit the ability of Puma to ‘significantly and sustainably increase prices or profit margins’ in the Market.
In fact, it is submitted there will be pressure on both Puma and PEAL to offer competitive pricing at the key hub of Jackson’s Airport, particularly as supply contracts come up for tender.

(f) **Extent to which substitutes are available, or are likely to become available, in the market**

In terms of products, there are substitutes available in the Market for Jet A-1 fuel, eg avgas, however this is only suitable for certain aircraft.

In terms of retailers and types of into-plane supply, there are substitutes available in the Market. Customers at Jackson’s Airport will have the option of purchasing product from PEAL through the JUHI system or purchase from Puma by way of tanker supply.

(g) **Dynamic characteristics in the market, including growth, innovation and product differentiation**

The state of the Market has changed considerably over the years, particularly with the gradual withdrawal of BP, Mobil and Shell.

Currently, the market for the distribution and into-plane supply of Jet A-1 fuel in Papua New Guinea is relatively mature, with largely stable volumes and customers.

That said, as the economy grows and more large-scale projects come online, it is expected that this will result in growth in the Market and bring opportunities for increased competition with more customers and suppliers.

The NAC is currently implementing a redevelopment plan at Jackson’s Airport, with a view to upgrading and expanding facilities. This will assist with the expected growth in airline passengers in Papua New Guinea as a result of both the growing economy and boom in projects and also events such as the 2015 South Pacific Games and the 2018 APEC Summit.

The NAC is not precluded from awarding fuel concessions at the redeveloped airport.

As part of the redevelopment plans at Jackson’s Airport, it is expected that some assets and operations, including refuelling infrastructure, will be required to relocate.

Puma is currently investigating the possibility of leasing a portion of land at the redeveloped Jackson’s Airport, and any such site may involve retail petroleum distribution and/or aviation refuelling capabilities. While Puma considers these arrangements to be separate to and distinct from the business acquisition contemplated by this application, it provides a summary of the proposed leasing arrangements, for the Commission’s information only, at Schedule 1 to this Appendix A.

(h) **Likelihood that the acquisition would result in the removal from the market of a sustainable, vigorous and effective competitor**

It is submitted that the Proposed Acquisition will *not* result in the removal of a sustainable, vigorous and effective competitor.

APNG has elected to dispose of the refuelling assets held by PNGGS, which is considered to be non-core.
As noted elsewhere, PNGGS predominately supplies Jet A-1 fuel to the fleet of planes operated by its parent company, APNG. It should not be considered as sustainable, vigorous nor effective competitor in this Market.

(i) Nature and extent of vertical integration in the market

It is acknowledged that Puma is already a vertically integrated participant in the market, albeit less vertically integrated than its predecessor, InterOil, was prior to selling its refining and downstream distribution businesses (due to its upstream oil and gas exploration assets).

While the Proposed Acquisition would increase Puma’s presence in the Jet A-1 fuel retail distribution market (i.e. horizontal integration), it is submitted that it would not become any more vertically integrated, nor would it be able to wield significantly more power at the refinery gate.

Puma does not consider that its vertical integration alone will result in a substantial lessening of competition in the Market. Puma expects that the Proposed Acquisition will result in increased competition in the key market at Jackson’s Airport and, as discussed in paragraph 5.3(e) above, Puma will be forced to price its product competitively in this market and elsewhere.

Finally, Puma considers that lessening of competition in the Market is effectively prevented by the price monitoring conducted by the Commission under the PR Act, coupled with the market misconduct provisions available to the Commission under the ICCC Act.

6. Public benefits and positive outcomes

Puma submits that the Proposed Acquisition will also result, or be likely to result, in such benefits to the public that, in the event a clearance is not granted under section 82(3)(a) of the ICCC Act, it should be granted an authorisation under section 82(3)(b) of the ICCC Act.

Details of these benefits are set out below:

(a) Increased competition

As noted elsewhere in this application, PNGGS does not currently provide true competition to the other market participants as it generally only services the fleet of aircraft operated by its parent company, APNG.

The introduction of Puma to Jackson’s Airport by way of the Proposed Acquisition will:

(i) bring increased competition to this key sector of the market – customers would now have a choice of two suppliers; and

(ii) provide an alternative for customers to the existing JUHI facility operated by PEAL.

Puma considers that this is a key benefit to the public and expects that the increased competition at Jackson’s Airport will result in greater price competition and lower fuel prices for customers. In addition, lower input costs such as Jet A-1 fuel can assist in lowering the cost of airfares for the wider population.
(b) **Increased capacity and efficiencies**

PNGGS currently runs a relatively small-scale refuelling operation at each of the airports it operates at. If the Proposed Acquisition does proceed, Puma intends to increase the quality and scale of operations of the PNGGS business and assets, particularly at Jackson’s Airport.

This will be achieved by investing in new assets and infrastructure and employing additional staff.

Puma considers that the enhanced refuelling capabilities will benefit both fuel customers and airline passengers and will result in, among other things:

(i) faster refuelling turnaround times;
(ii) greater probability of on-time flight departures; and
(iii) more reliability for exporters of goods and other users of commercial logistic services.

Puma’s proposed entrance at Jackson’s Airport by way of the Proposed Acquisition will assist in providing more efficient and reliable airport operations generally and will complement the wider redevelopment initiative currently being undertaken at Jackson’s Airport.

The anticipated increase in refuelling capabilities will be particularly beneficial in the context of the expected growth in airline passengers in Papua New Guinea and the NAC’s stated ambitions for Jackson’s Airport to become a regional hub for air traffic.¹

Papua New Guinea is also due to host some significant public and international events in the coming years, including the 2015 South Pacific Games, the 2016 FIFA U-20 Women’s World Cup and the 2018 APEC Summit. The expected increase in quality and scale of refuelling operations by Puma will assist Jackson’s Airport in managing the strain that these events will place on the airport.

Finally, international airports are the gateways into a country. They help form first and lasting impressions on international visitors. The standards of international airports, therefore, are important, not only for practical and operational reasons, but also because they help shape public and international perceptions of a country. Countries around the world spend significant amounts of money on airports and airport infrastructure, and the offer under consideration involves an investment by Puma into PNG airport infrastructure at no cost to the State. As the efficiency and reliability of Jackson’s Airport continues to increase, this will assist in projecting Papua New Guinea as a modern and efficient economy.

These qualitative and intangible public benefits should be taken into account.

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(c) Employment

Puma is already a major employer in Papua New Guinea, with over 700 staff directly employed throughout Puma's refinery and downstream distribution operations.

PNGGS currently maintains a permanent staff of 9 employees. Puma is committed to retaining all staff currently employed by PNGGS and intends to create further employment opportunities as it expands the scale of the existing operations.

In addition, the incoming PNGGS employees, and all new personnel employed as a result of the proposed expansions, will benefit from Puma's comprehensive training and skill programs, which are modelled on international best practice.

Puma submits that the increased employment opportunities and proposed upskilling of personnel as a result of the Proposed Acquisition will result in significant public benefit.

7. Conclusion

For the reasons set out in this Appendix A, Puma submits that the Proposed Acquisition is not an acquisition that would have, or is likely to have, the effect of substantially lessening competition in the market for distribution and into-plane supply of Jet A-1 fuel in Papua New Guinea.

Accordingly, Puma seeks a clearance from the Commission in respect of the Proposed Acquisition under section 82(3)(a) of the ICCC Act.

However, if a clearance under section 82(3)(a) of the ICCC Act is not provided, Puma submits that the Proposed Acquisition will generate such benefits for the public that it should be permitted and authorised under section 82(3)(b) of the ICCC Act.
Schedule 1 - proposed lease arrangements at Jackson's Airport

The information in this schedule 1 is being provided by Puma for information purposes only and, for the avoidance of doubt, the arrangements summarised in this schedule 1 do not form part of the Proposed Acquisition, which is the subject of the accompanying application.

The information in this Schedule 1 is confidential and should not be disclosed to any other person without the prior consent of Puma

[Note: the content of this Schedule 1 has been redacted]