



Our ref: AA1000450
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13/08/2019

adjudication@accc.gov.au
www.accc.gov.au

Dear Madam/Sir

Large Format Retail Association application for authorisation AA1000450 — interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for authorisation received from the Large Format Retail Association (**LFRA**), on behalf of itself and its current and future members (together, the **Applicants**).

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. Please see pages 20-28 the ACCC's publication [Guidelines for authorisation of conduct \(non-merger\)](#) for a summary of the authorisation process and how to make a submission to the ACCC

Application for authorisation

The Applicants propose to pool members' electricity demand and collectively invite tenders, and negotiate with suppliers, on the basis of that aggregated demand (the **Proposed Conduct**).

LFRA is also seeking authorisation for future members to join the collective arrangements, provided that the total consumption of the purchasing group does not exceed 1 per cent of electricity consumption in any State or Territory in Australia.

A full copy of the application for authorisation is available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Interim authorisation

The Applicants have also requested interim authorisation to enable them to undertake initial stages of the Proposed Conduct. The Applicants are not proposing to enter into any contracts for electricity supply before the ACCC issues a final determination in relation to this application.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim is or is not granted

- possible benefit and detriment to the public
- the urgency of the matter and
- whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to LFRA's application for authorisation, please do so by **3 September 2019**. Submissions in relation to interim authorisation should be provided by **21 August 2019**. Submissions should be emailed to adjudication@accc.gov.au with the subject 'AA1000450 – Large Format Retail Association – submission'.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information:

| | |
|-------------------------------|--|
| 6 August 2019 | Lodgement of application and supporting submission. |
| 13 August 2019 | Public consultation process begins. |
| 21 August 2019 | Closing date for submissions on interim authorisation. |
| September 2019 | ACCC decision regarding interim authorisation. |
| 3 September 2019 | Closing date for submissions on the substantive application. |
| September 2019 | Applicant responds to issues raised in the public consultation process. |
| October 2019 | Draft determination. |
| October/November 2019 | Public consultation on draft determination including any conference if called. |
| November/December 2019 | Final determination. |

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Kaitlin Hanrahan on 03 9290 1917 or adjudication@accc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Hatfield', with a stylized flourish at the end.

David Hatfield
Director
Adjudication

List of interested parties consulted

1st Energy Pty Ltd
ActewAGL
AEMC
AEMO
AGL
Alinta Energy
Amanda Energy
Aurora Energy
Australian Energy Council
Australian retail asociation
Blue NRG
Amaysim
Change Energy
Cleantech Energy
Consumer Action Law Centre
Cova U Pty Ltd
CS Energy
Department of Treasury WA
Department of Treasury NT
Department of Industry Innovation and Science
Diamond Energy
EnergyAustralia
Energy Consumers Australia
Energy Locals
Engie
Enova Energy
ERM Power
Horizon Power
Hydro Tasmania
Intergen
Jacana
Lumo
M2
Meridian Energy
Mojo Power
Momentum Energy
National Retailers Association

Next Business Energy Pty Ltd
OC Energy Pty Ltd
Origin
People Energy
Perth Energy
Pooled Energy
Power and Water Corporation
Powerdirect
Powershop
QEnergy
Red Energy
Rimfire Energy
Sanctuary Energy
Shopping Centre Council of Australia
Simply Energy
Snowy Hydro
Stanwell
Sumo Power
Sunset Power (Delta Electricity)
Synergy
Tango Energy Pty Ltd
Utilities Commission of Northern Territory
Vocus Group (Dodo)