



Our ref: AA1000459
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26/11/2019

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Dear Sir/Madam

Municipal Association of Victoria & Ors application for authorisation AA1000459 – interested party consultation

On 21 November 2019, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the Municipal Association of Victoria (**MAV**) and 48 participating Victorian Councils (the **Participating Councils**) (the **Applicants**).

This letter invites you to comment or pass on to others who may wish to make submissions. If you do not wish to make a submission, no further action is required from you.

The Applicants are seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth) (the **Act**). The Applicants have sought authorisation to pool their electricity demand and place a single tender calling for proposals for the supply of retail electricity services and renewable energy certificates (i.e. Large Scale Generation Certificates) from an electricity retailer (the **Conduct**). The Applicants are seeking authorisation until 2031. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

The Applicants have also requested interim authorisation to allow them to engage in joint negotiations and tendering prior to the ACCC's final determination. The Applicants have submitted that they will not award the tender unless and until final authorisation is granted. Due to the expiry of some Participating Councils' existing contracts in the near future, the Applicants have requested that interim authorisation be granted to allow the request for tender to be issued by 31 December 2019.

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. The ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim authorisation 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.

Making a submission

The ACCC invites you to make a submission on the application for authorisation and interim authorisation. Please provide information, evidence, and views about the likely public

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

Submissions on interim and substantive authorisation are due by **9 December 2019**. Written submissions should be emailed to adjudication@acc.gov.au with the subject 'AA1000459–*Municipal Association of Victoria & Ors – submission*'. Alternatively, for verbal submissions, please contact Tanya Hobbs via the details at the end of this letter.

Your submissions **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register (see [Guidelines for Excluding Information from the Public Register](#) or more information on how to make a request and how we assess requests).

Timetable

An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

| Indicative date | Stage in assessment process |
|------------------------------|--|
| 21 November 2019 | Lodgement of application and supporting submission. |
| 26 November 2019 | Public consultation process begins. |
| 9 December 2019 | Closing date for submissions. |
| December 2019 | ACCC decision regarding interim authorisation. |
| December 2019 | Applicant responds to issues raised in the public consultation process. |
| January 2020 | Draft determination. |
| January/February 2020 | Public consultation on draft determination including any conference if called. |
| February 2020 | Final determination. |

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 Tanya Hobbs on 02 6243 1029 or adjudication@acc.gov.au.

Yours sincerely



Gavin Jones
Director
Adjudication

Interested Party List

1st Energy Pty Ltd
ActewAGL
AEMC
AEMO
Alinta Energy
Australian Energy Council
Blue NRG
Amaysim
Change Energy
Cleantech Energy
Cova U Pty Ltd
CS Energy Department of Treasury
Diamond Energy
Australia Energy Consumers Australia
Energy Locals
Engie
Enova Energy
ERM Power
Horizon Power
Intergen
Lumo
M2 Energy
Meridian Energy
Momentum Energy
Next Business Energy Pty Ltd
OC Energy Pty Ltd
Origin People
Powerdirect
Powershop
QEnergy
Red Energy
Sanctuary Energy
Simply Energy
Snowy Hydro
Sumo Power
Sunset Power (Delta Electricity)
Tango Energy Pty Ltd
Vocus Group (Dodo)