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3 August 2023

Fiona Crosbie
Chair
Allens

By email:

Dear Ms Crosbie

Re: Brookfield and MidOcean proposed acquisition of Origin Energy Limited - request for time extension

We refer to the application for merger authorisation under section 88 of the *Competition and Consumer Act 2010 (Act)* lodged on 5 June 2023 by Eos Aggregator (Bermuda) LP and MidOcean Reef Bidco Pty Ltd (the **Applicants**), for the proposed acquisition of Origin Energy Limited (**Application**).

As the Applicants did not agree to an extension of the 90-day period for the ACCC's review of the Application, the ACCC will be taken to have refused the Application if it does not make its determination by 4 September 2023. The ACCC now requests that the Applicants agree to an extension of the review period to **Thursday 28 September 2023**.

The ACCC understands the Applicants' reasons, in their letter dated 2 May 2023, for not acceding to a longer timeframe for the review at the time they lodged the Application. While it has sought to conduct its review within the 90-day period, the ACCC considers that the requested additional time will enable it to properly complete its review, prepare its reasons and make its determination.

The ACCC considers that the remaining examinations under section 155(1)(c) of the Act will likely be material to it concluding whether it is satisfied of the statutory preconditions in section 90(7) of the Act and should exercise its discretion to grant the authorisation sought. Subject to the outcome of those examinations, it may be appropriate for the ACCC to provide the Applicants with an additional opportunity to address certain matters prior to the ACCC making its determination.

In these circumstances, the ACCC considers that an extension to the timeframe of four weeks is appropriate and reasonable. We request that you advise us by **4pm on Friday 4 August 2023** whether the Applicants agree to the proposed extension of the timeline to 28 September 2023.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'DMcCracken-Hewson', with a long horizontal flourish extending to the right.

Daniel McCracken-Hewson
General Manager
Merger Investigations