

Competition and Consumer Act 2010, section 90(6)(d)

Pursuant to section 90(6)(d) of the *Competition and Consumer Act 2010* (the **Act**), the Australian Competition and Consumer Commission (**ACCC**) consults with the Australian Energy Regulator (**AER**) for the purposes of making its determination in respect of the application for authorisation of the proposed acquisition of Origin Energy Limited (**Origin**) by Eos Aggregator (Bermuda) LP (**Brookfield LP**) and MidOcean Reef Bidco Pty Ltd (**MidOcean**) (Brookfield LP and MidOcean together the **Applicants**) (**Proposed Acquisition**) under section 88(1) of the Act (**Application**) in respect of the following matters:

Electricity transmission in Victoria

1. What is the purpose of the National Electricity Rules (**NER**) and the Transmission Ring-Fencing Guidelines (**TRFG**) in relation to vertically integrated TNSPs and contestable businesses? Please outline the purposes for which these regulations were designed.
2. Please explain how the TRFG seeks to ensure ring-fencing between contestable and non-contestable businesses.
3. Please explain how the NER and TRFG (including the requirements in the non-discrimination obligation) would operate to prevent AusNet from discriminating against Origin's generator rivals (by delaying or prioritising generator connections).
4. Are there forms of conduct that a transmission network operator could undertake to favour a co-owned generator or retailer that would be difficult to detect or difficult to take enforcement action against using existing regulations?
5. Does the prohibition on information sharing in the regulations apply to information acquired through network planning (as distinct from information acquired from / related to customers)?
6. Does the dispute resolution regime provided for in the regulations act as an effective forum for resolving the concerns of parties seeking to access the transmission network?
7. The Applicants submit that AusNet has no ability to refuse or delay non-Origin generators from connecting to the AusNet transmission network, and no ability to plan or augment the transmission network in a way that would foreclose non-Origin generators, due to AEMO's role in these processes.

Is this consistent with the AER's understanding of the impact of AEMO's role in these processes? In particular, to what extent does the way in which the connection process is regulated under the rules reduce the scope for AusNet to covertly delay and/or prioritise generator connections?

8. To what extent are the dispute resolution mechanisms in the NER capable of being applied to discriminatory behaviour by AusNet towards Origin's generator rivals?

Electricity distribution in Victoria

9. Please explain how the regulations would operate to prevent AusNet from discriminating against 'embedded' generators in connection to the distribution network.
10. Please explain how the regulations seek to prevent distribution network owners from favouring a co-owned retailer.
11. Are there forms of conduct that a distribution network operator could undertake to favour a co-owned generator or retailers that would be difficult to detect or difficult to take enforcement action against using existing regulations?

Other issues

12. Are there any other comments the AER would like to make, or information the AER would like to provide to the ACCC, regarding the Proposed Acquisition that is relevant to the ACCC's assessment?