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By email

Dear Madam or Sir

Clean Energy Council Limited – application for re-authorisation AA1000514 — draft determination

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for re-authorisation lodged by the Clean Energy Council Limited (**CEC**) on 15 May 2020.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation subject to a condition for two years.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [authorisations public register](#).

Next steps

Once the ACCC issues a draft determination, the CEC or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **4 September 2020**. Submissions should be emailed to adjudication@acc.gov.au with the subject "AA1000514 – Clean Energy Council – submission". If you prefer to make an oral submission, please contact Miriam Kolacz via the details at the end of this letter.

We particularly invite submissions on:

- the form and content of the ACCC's proposed condition. In particular, whether, in addition to including an appeals mechanism, it is also necessary to require that the exclusion periods for rejected applicants be reduced. Views are also sought on the mechanism for the appeals process
- whether the proposed duration of the authorisation (two years) is appropriate, and
- the issues relating to the Solar Code's privacy provisions, as raised by the Office of the Australian Information Commissioner and set out in paragraphs 4.18-4.21 of the draft determination.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's [public register](#) subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **4 September 2020** by email to adjudication@acc.gov.au.

Timetable

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

| Indicative date | Stage in assessment process |
|------------------|--|
| 15 May 2020 | Lodgement of application and supporting submission. |
| 26 May 2020 | Public consultation process begins. |
| 13 August 2020 | Draft determination |
| 4 September 2020 | Public consultation on draft determination including any conference if called. |
| October 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 Miriam Kolacz on (03) 9658 6476 or Andrew Mahony on (03) 9290 1983.

Yours sincerely



Susie Black
Director
Adjudication