



Our ref: AA1000618
Contact officer: Gemma Smith
Contact phone: (03) 9290 1405

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

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exemptions@acc.gov.au
www.acc.gov.au

Dear Madam/Sir

Australian Energy Market Operator Limited – application for authorisation AA1000618 – draft determination

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged by Australian Energy Market Operator Limited (**AEMO**) on 29 June 2022 on behalf of itself and energy industry participants.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation with conditions until 31 March 2023.

This draft determination follows the earlier interim authorisation decision made on 1 July 2022 which is still in effect. The ACCC is proposing to grant authorisation on similar terms to those of the interim authorisation, with two minor updates:

- the limitation in paragraph 27(j) of the interim authorisation decision which precludes the sharing of “specific generators’ wholesale price, costs and margins” has been expanded in the draft determination to include all Participants’ wholesale price, costs and margins, and
- paragraph 1.2 has been added in the draft determination to note that nothing in the authorisation removes other legislative or regulatory responsibilities imposed on the parties (including in relation to confidentiality).

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 Applicant 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 **9 September 2022**. Submissions should be emailed to exemptions@acc.gov.au with the subject “AA1000618 – AEMO – submission”. If you prefer to make an oral submission, please contact Gemma Smith via the details at the end of this letter to arrange a suitable time.

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 **9 September 2022** by email to exemptions@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
29 June 2022	Lodgement of application and supporting submission.
1 July 2022	ACCC decision regarding interim authorisation and public consultation process begins
20 July 2022	Closing date for submissions from interested parties.
3 August 2022	Applicant responds to issues raised in the public consultation process.
25 August 2022	Draft determination.
August/September 2022	Public consultation on draft determination including any conference if called.
September/October 2022	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Gemma Smith on (03) 9290 1405 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions