



Our ref: AA1000558
Contact officer: Nissa Burns
Contact phone: 03 9910 9558

15/07/2021

By email

Dear Sir/Madam

Equinix and others application for authorisation AA1000558 — draft determination and interim authorisation

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation, including interim authorisation, lodged by Equinix (Australia) Enterprises Pty Ltd (**Equinix**) and others on 15 June 2021.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 24 years.

The ACCC has also granted interim authorisation to enable the electricity joint buying group (comprising Equinix, HSBC, Nike Australia Pty Limited, Goldman Sachs and H&M) to conduct the joint tender process and commence negotiations, but not enter into supply contracts, while the ACCC is considering the substantive application.

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 Applicants 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 **29 July 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000558 – Equinix and others – submission'. If you prefer to make an oral submission, please contact Nissa Burns via the details at the end of this letter.

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. See the ACCC's [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 **29 July 2021** by email to exemptions@acc.gov.au.

Timetable

An indicative timetable for the ACCC's assessment is set out below.

Indicative Date	Stage in assessment process
15 June 2021	Lodgement of application and supporting submission.
22 June 2021	Public consultation process begins.
2 July 2021	Closing date for submissions from interested parties.
15 July 2021	Draft determination and interim authorisation.
29 July 2021	Closing date to request pre-decision conference and for submissions in response to the draft determination.
August/September 2021	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 Nissa Burns on (03) 9910 9558 or via email to exemptions@acc.gov.au.

Yours sincerely



Jaime Martin
A/g Director
Competition Exemptions