

## **New South Wales Full Retail Competition Derogations Draft Determination Pre-Determination Conference**

On 17 December 2004, Intermoco Solutions Pty Ltd, and EnergyAustralia requested that the Australian Competition and Consumer Commission (ACCC) convene a conference in relation to the Draft Determination issued by the ACCC on 3 December 2004.

The Draft Determination proposes to authorise New South Wales's applications for authorisation (Nos A90928, A90929, and A90930) of derogations from Chapter 7 of the National Electricity Code. The applications were made by the National Electricity Code Administrator (NECA) on behalf of the New South Wales Department of Energy, Utilities and Sustainability, under Part VII of the *Trade Practices Act 1974* (TPA).

The stated purpose of the applications is to re-instate New South Wales's derogations from chapter 7 of the National Electricity Code regarding the metering arrangements for small customers in New South Wales. The ACCC concluded in its Draft Determination that it was satisfied that the public benefit of enabling distributors to be the exclusive providers of metering services for metering installation types 5-7 for small customers would outweigh any anti-competitive detriment, subject to a condition of authorisation.

In the Draft Determination, the ACCC concluded that it was necessary to impose a condition of authorisation to ensure that the derogations meet the statutory test. The Draft Determination imposed a condition of authorisation to ensure that any interval meter that incorporates remote reading capabilities, irrespective of how frequently the meter is remotely read, will not be subject to the derogation.

A Pre-Determination conference provides an opportunity for the applicant and interested parties to make oral submissions to the ACCC about its draft determination. A conference in relation to the New South Wales Draft Determination will be held on **Friday 14 January 2005 at 9.30 am** at the ACCC's offices in Sydney– Level 7, 123 Pitt Street, Sydney. Commissioner Ed Willett will chair the conference.

The Pre-Determination conference will be convened under s90A of the TPA. The conference may be attended by the applicant and other interested parties whose presence the ACCC considers appropriate are entitled to participate. Following the conference, the ACCC will take into account any relevant issues raised and any related submissions, and issue a Final Determination.

The closing date for interested parties to register for the conference is **10 January 2005**. Registrations via e-mail only can be made to: [electricity.group@acc.gov.au](mailto:electricity.group@acc.gov.au). A registration form is available on the ACCC's website ([www.acc.gov.au](http://www.acc.gov.au)).

It is important that interested parties register by the closing date. This is because the time available to speak will be allocated once registration closes and not on the day of the conference.

**Please note:** a Pre-Determination conference in relation to the Victorian metering derogations has also been requested. Please refer to this website for details and a registration form.

Once all registrations have been received the ACCC will issue an agenda. If you have any enquiries please contact Eloise Campbell on (03) 9290 1968.