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21 February 2006

Dear Sirs,

**Origin Energy (Vic) Pty Ltd ("GasCo") & Origin Energy Electricity Limited ("ElectricityCo")  
Exclusive Dealing Notification**

Origin Energy (Vic) Pty Ltd ("GasCo") and Origin Energy Electricity Limited ("ElectricityCo")  
enclose the following documents:

1. Notification of Exclusive Dealing (Form G) signed by Origin Energy (Vic) Pty Ltd ("GasCo");
2. Notification of Exclusive Dealing (Form G) signed by Origin Energy Electricity Limited (ElectricityCo");
3. Our submission in support of notification;
4. Our Visa card payment for \$300 in respect of the filing fee for a third line forcing notification (\$100 - Third line forcing notifications by a proprietary company or individual; \$200 - additional related notification).

Please contact Jody Doran on (03) 9652 5840 if you have any queries in relation to the attached notification.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Blair Smith', with a large, stylized flourish at the end.

**Blair Smith**

**National Manager, Market Development**

**Origin Energy (Vic) Pty Ltd  
Origin Energy Electricity Ltd**



## Form G

Commonwealth of Australia  
Trade Practices Act 1974 --- Sub-section 93(1)

### EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 47 (2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

1. (a) Name of person giving notice

**Origin Energy (Vic) Pty Ltd ("GasCo")**

- (b) Short description of business carried on by that person

**GasCo is in the business of retailing natural gas and related products.**

- (c) Address in Australia for service of documents on that person

**Level 21, 360 Elizabeth St, Melbourne 3000**

**Attention Ms Jody Doran**

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates

**Electricity and natural gas and related products**

- (b) Description of the conduct or proposed conduct

**GasCo intends to enter into a joint promotion with Origin Energy Electricity Limited ("ElectricityCo"), Sky Cable Pty Ltd and Telstra Media Pty Ltd (collectively "FOXTEL") whereby consumers who accept a dual market contract with ElectricityCo and GasCo will receive free standard metropolitan installation of FOXTEL television and the equivalent of a 5% discount off the value of the selected monthly viewing FOXTEL Starter package for 24 months. The free installation and discount is only available where the customer accepts a 24**

month contract with FOXTEL and the customer remains a customer of both ElectricityCo and GasCo for the duration of the FOXTEL contract.

For further details see the attached submission in support of this notification.

3. (a) Class or classes of persons to which the conduct relates

Selected domestic and residential customers of ElectricityCo, GasCo and other energy retailers

- (b) Number of those persons

- (i) At present time

500,000 (estimated)

- (ii) Estimated within the next year

500,000 (estimated)

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses

Not Applicable

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice.

Mr Blair Smith  
National Manager, Market Development  
Level 21, 360 Elizabeth St, Melbourne 3000  
Phone 9652 5775

Dated 21/2/06

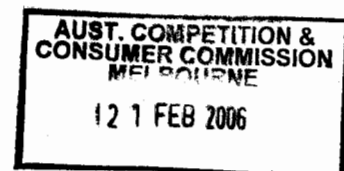
Signed by/on behalf of Origin Energy (Vic) Pty Ltd



(Signature)

MATTHEW B. SMITH

(Full Name and position)



## DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. In item 1 (b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in subsection 47 (2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3 (b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47 (6) or (7), or paragraph 47 (8) (c) or (9) (d), of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93 (7A) of the Act ("the prescribed period") unless the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93 (3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47 (2), (3), (4) or (5), or paragraph 47 (8) (a) or (b) or (9) (a), (b) or (c), of the Act, it comes into force when it is given.

## Form G

Commonwealth of Australia  
*Trade Practices Act 1974 — Sub-section 93(1)*

### EXCLUSIVE DEALING NOTIFICATION

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93 (1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 47 (2), (3), (4), (5), (6) or (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

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1. (a) Name of person giving notice

**Origin Energy Electricity Ltd ("ElectricityCo")**

- (b) Short description of business carried on by that person

**ElectricityCo is in the business of retailing electricity and related products.**

- (c) Address in Australia for service of documents on that person

**Level 21, 360 Elizabeth St, Melbourne 3000**

**Attention Ms Jody Doran**

2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates

**Electricity and natural gas and related products**

- (b) Description of the conduct or proposed conduct

**ElectricityCo intends to enter into a joint promotion with Origin Energy (Vic) Pty Ltd ("GasCo"), Sky Cable Pty Ltd and Telstra Media Pty Ltd (collectively "FOXTEL") whereby consumers who accept a dual market contract with ElectricityCo and GasCo will receive free standard metropolitan installation of FOXTEL television and the equivalent of a 5% discount off the value of the selected monthly viewing FOXTEL Starter package for 24 months. The free installation and discount is only available where the customer accepts a 24 month**

contract with FOXTEL and the customer remains a customer of both ElectricityCo and GasCo for the duration of the FOXTEL contract.

For further details see the attached submission in support of this notification.

3. (a) Class or classes of persons to which the conduct relates

**Selected domestic and residential customers of ElectricityCo, GasCo and other energy retailers**

- (b) Number of those persons

- (i) At present time

**500,000 (estimated)**

- (ii) Estimated within the next year

**500,000 (estimated)**

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses

**Not Applicable**

4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice.

**Mr Blair Smith  
National Manager, Market Development  
Level 21, 360 Elizabeth St, Melbourne 3000  
Phone 9652 5775**

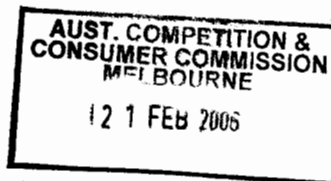
Dated 21/2/06

Signed by/on behalf of Origin Energy Electricity Ltd

.....  
(Signature)

MATTHEW B SMITH.  
.....

(Full Name and position)



## DIRECTIONS

1. If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
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4. If particulars of a condition or of a reason of the type referred to in subsection 47 (2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. In item 3 (a), describe the nature of the business carried on by the persons referred to in that item.
6. In item 3 (b) (ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in subsection 47 (6) or (7), or paragraph 47 (8) (c) or (9) (d), of the *Trade Practices Act 1974* ("the Act"), it comes into force at the end of the period prescribed for the purposes of subsection 93 (7A) of the Act ("the prescribed period") unless the Commission gives a notice under subsection 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under subsection 93A (2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93 (3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47 (2), (3), (4) or (5), or paragraph 47 (8) (a) or (b) or (9) (a), (b) or (c), of the Act, it comes into force when it is given.



**SUBMISSION TO AUSTRALIAN COMPETITION AND CONSUMER COMMISSION IN SUPPORT OF NOTIFICATION UNDER SECTION 93(1) OF THE *TRADE PRACTICES ACT 1974* (CTH)**

This Notification concerns a promotion between Origin Energy Electricity Ltd ("ElectricityCo"), Origin Energy (Vic) Pty Ltd ("GasCo") (collectively "Origin") and Sky Cable Pty Ltd and Telstra Media Pty Ltd (collectively "FOXTEL").

**1. Conduct**

Origin Energy Ltd ("Origin Energy") is a vertically integrated energy company, with activities in exploration and production, natural gas, electricity and LPG retail and trading, as well as in distribution network management.

Origin Energy retails electricity in Victoria through ElectricityCo and natural gas in Victoria through GasCo.

The relevant conduct comprises the offering to consumers who accept a dual market contract with ElectricityCo and GasCo of free standard metropolitan installation of FOXTEL television and the equivalent of a 5% discount off the value of the selected monthly viewing FOXTEL Starter package for 24 months. The free installation and discount is only available where the customer accepts a 24 month contract with FOXTEL and the customer remains a customer of both ElectricityCo and GasCo for the duration of the FOXTEL contract. FOXTEL will bear the costs of the free installation and the discount. Consumers will still be able to enter into a single energy contract with either ElectricityCo or GasCo, however those customers will not be entitled to the FOXTEL offer.

Origin proposes to run a marketing promotion in relation to the conduct. The promotion will initially be conducted in Victoria but will be extended to South Australia over time.

**2. No Anti-competitive detriment**

The promotion will not result in any anti-competitive detriment for the following reasons:

- (a) it is a demonstration of product innovation in competition between energy retailers;
- (b) it provides discounts to customers on the total price of energy and digital television;
- (c) potential customers will be fully informed about the full terms of the offer before taking up the offer; and
- (d) potential customers will still have a genuine choice about whether to enter into a FOXTEL contract and about the identity of their energy provider or providers.

**3. The Promotion Will Result in Public Benefit**

There are public benefits from the proposed conduct in that the proposed arrangements are likely to:

- (a) enhance the ability of Origin to compete in the provision of retail, gas and electricity and raise the profile of Origin's retail capabilities;



- (b) enable customers to purchase gas and electricity with the benefit of free FOXTEL installation and a discount on the selected FOXTEL viewing package; and
- (c) encourage other retailers to respond competitively with similar offers and benefits.

Promotions of this kind are a commonly used marketing tool that deliver real benefits to consumers and business associations alike. The joint promotion accordingly provides significant benefits to the public in terms of competition and consumer welfare.

#### **4. Conclusion**

Given that there are no anti-competitive detriments and real public benefits from the conduct, the Commission should allow this notification to stand.