

Our reference
KBE/MM/MIRV11189-9024490
Your reference
N31497

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FILE No:
DOC:
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Sydney
Melbourne
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12 January 2006

By hand delivery

Ms Kerry Leigh Taylor
Australian Competition and Consumer
Commission
Level 7, Angel Place
123 Pitt Street
SYDNEY NSW 2000

Contact
Mark McCowan (02) 9210 6080
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Partner
Kathryn Edghill

Dear Ms Taylor

Mirvac Homes (NSW) Pty Limited – Notification of third line forcing N31497

We refer to the notification lodged on behalf of Mirvac Homes (NSW) Pty Limited (**Mirvac**) with the Commission on 23 December 2005 and to your letter of 3 January 2006 indicating that the immunity conferred by the notification commenced on 4 January 2006.

Since the notification was lodged, we have become aware of minor factual inaccuracy in part 2(b) of the document, of which we thought it prudent to inform you.

The second and third last paragraphs of page 2 state:

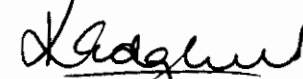
“...GridX is to bill occupants of the houses for hot water, climate control water and electricity...”

...the purchasers [will] enter into a contract with GridX for...(ii) the supply of electricity, hot water and climate control water.”

In fact, GridX will only provide the occupants with, and bill them for, hot water and climate control water and not electricity. As it does not possess the requisite regulatory approvals under the *Electricity Supply Act 1996* (NSW), GridX is unable to act as an electricity retailer. Rather, GridX will export electricity that it generates to the mainstream energy grid and an electricity retailer will sell electricity to the home owners.

In light of the above, could you please confirm that the immunity in effect pursuant to our original notification and confirmed by your 3 January 2006 letter remains in effect.

Yours faithfully
Corrs Chambers Westgarth


Kathryn Edghill
Partner

