



Australian
Competition &
Consumer
Commission

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Our Ref: N31500
Your Ref: LWC: PXG:210385
Contact Officer: Tim Scott
Contact Phone: 02 6243 1221

20 January 2006

Liza Carver
Partner
Gilbert & Tobin
Level 37, 2 Park St
Sydney NSW 2000

Dear Ms Carver

AGL Retail Energy Ltd: Notification of Third Line Forcing Conduct and Claim for Confidentiality (N31500)

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 January 2006 and the claim for confidentiality in respect of some of the information provided in the notification.

Confidentiality

I have considered the request by AGL Retail Energy Ltd (AGL Retail) for confidentiality in relation to the confidential annexure to the notification.

As you are aware, the ACCC is generally required under section 95 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to a notification on the ACCC's public register. The Act provides that a person providing a document in relation to a notification may request that the document or parts thereof be excluded from the public register by reason of the confidential nature of any of the matters contained in the document. It is expected in these cases that an applicant will make a case to support this.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that AGL Retail's request has been granted and the confidential annexure will not be placed on the public register.

Notification

The legal immunity provided by the notification will commence on 20 January 2006.



The notification details an arrangement whereby AGL Retail proposes to offer discounts on its standard gas connection fee to customers who acquire from it a standard natural gas connection, and also do either or both of the following:

- enter into one contract for the supply of natural gas and electricity from either AGL Electricity Ltd or AGL Retail Energy Ltd, for a term of three years (the dual fuel contract);
- purchase from a retailer, and have installed, a gas appliance.

Separate discounts will be offered on each part of this offer and customers may take up either or both parts. Those customers who choose to take both parts of the offer will be entitled to receive both discounts.

On the basis of the information that you have provided, it is not intended that further action will be taken in respect of the notification at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register of notifications. Should you have any queries in relation to this matter, please do not hesitate to contact Tim Scott on (02) 6243 1221.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch