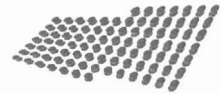


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EnergyAustralia™

ABN 67 269 241 237



Como Office Tower
Suite 2, Level 12
644 Chapel Street
South Yarra, VIC 3141

Telephone: 8807 1141

Facsimile: 8807 1199

Australia Competition and
Consumer Commission
GPO Box 520
Melbourne Vic 3001

6 December 2006

Dear Sir/Madam

Re: Notification of Proposed Third Line Forcing – Exclusive Dealing

EA-IPR Retail Partnership (“EA-IPR”) (a partnership comprising Energy Australia Pty Ltd and IPower Pty Ltd) and Port Adelaide Football Club Limited (“PAFC”) have negotiated an arrangement under which EA-IPR proposes to offer an exclusive energy deal to PAFC members.

Please find enclosed for lodgement:

1. a Form G ‘Exclusive Dealing Notification’ on behalf of EA-IPR;
2. a submission supporting the Form G notification; and
3. a cheque for the amount of \$200, represented as follows:
 - a. \$100.00 in relation to Energy Australia Pty Limited; and
 - b. \$100.00 in relation to IPower Pty Limited.

Please contact Melissa Kirby, Legal and Regulatory Manager, on (03) 8807 1140 if you have any queries relating to this notification.

Yours sincerely

Domenic Capomolla
Chief Executive Officer
EA-IPR Retail Partnership

FORM G
Commonwealth of Australia
Trade Practices Act 1974 --- Sub Section 93(1)
Exclusive Dealing Notification

N92739 (E)
N92740 (I)

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 sub-section 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 the notice:
EA-IPR Retail Partnership (ABN 67 269 241 237), which is a partnership comprising Energy Australia Pty Limited (ACN 070 374 293) and IPower Pty Limited (ACN 111 267 228) ("EA-IPR")

N92740

N92739

(b) Short description of business carried on by that person:
EA-IPR retails electricity and gas in South Australia and Victoria to residential, small to medium enterprise and commercial and industrial customers.

(c) Address in Australia for service of documents on that person
Suite 2, Level 12
Como Office Tower
644 Chapel Street
South Yarra Vic 3141

2 (a) Description of the goods or service in relation to supply or acquisition of which this notice relates:
Supply of electricity and gas.

(b) Description of the conduct or proposed conduct
EA-IPR proposes to offer members of the Port Adelaide Football Club Limited ("PAFC") an exclusive energy deal, which includes an annual \$50.00 credit for each year the customer remains a member of PAFC. Further details are provided in the attached submission.

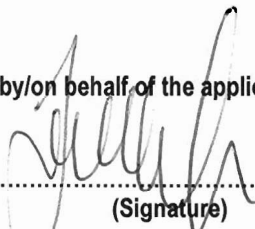
3 (a) Class or classes or persons to which the conduct relates
The conduct relates to residential customers in South Australia who are members of the PAFC.

(b) Number of those persons
(i) At present time: 27,000
(ii) Estimated within the next year: 27,000

4 Name and address of persons authorised by the person giving this notice to provide additional information in relation to this notice:
Melissa Kirby
Legal and Regulatory Manager
Suite 2, Level 12
Como Office Tower
644 Chapel Street
South Yarra Vic 3141
Ph: (03) 8807 1140

Dated... 6.12.06

Signed by/on behalf of the applicant giving the notice



(Signature)

Domenic Capomolla

(Full Name)

CEO

(Position)



Submission by EA-IPR Retail Partnership in Support of the Exclusive Dealing Notification

This submission is made by EA-IPR Retail Partnership (ABN 67 269 241 237) ("EA-IPR").

Background:

1. EA-IPR is a partnership comprising Energy Australia Pty Limited (ACN 070 374 293) and IPower Pty Limited (ACN 111 267 228), and trades as EnergyAustralia. EA-IPR retails electricity and gas in Victoria and South Australia to residential, small to medium enterprise and commercial and industrial customers.
2. Port Adelaide Football Club Limited ("PAFC") (ABN 49 068 839 547) is one of two Australian Football League clubs located within South Australia. It sells club memberships to both individuals and businesses who are supporters of the club. Members of the club are entitled to receive a range of exclusive benefits both directly from PAFC and from their corporate sponsors.
3. EA-IPR and PAFC have negotiated an arrangement under which EA-IPR proposes to offer an exclusive energy deal to PAFC members. This proposed conduct may potentially breach sections 47(6) and (7) of the *Trade Practices Act 1974* (Cth).

Details of the offer

4. Under the proposed arrangement, EA-IPR will offer the following options to residential customers who are members of the PAFC:
 - a. Electricity only. 24 month contract* for the supply of green electricity charged at the standard regulated rates. The electricity is 10% Green Power accredited by the National Green Power Accreditation Program. The customer will receive a \$50 credit on its energy bill to go towards the customer's annual membership fee with PAFC in each year of the contract.
 - b. Electricity and gas. A 24 month contract* for the supply of green electricity and gas charged at the standard regulated rates. The electricity is 10% Green Power accredited by the National Green Power Accreditation Program. The customer will receive a \$50 credit on its energy bill to go towards the customer's annual membership fee with PAFC in each year of the contract.

*Contracts cancelled after the cooling off period and before the end of the 24th month term will incur termination fees of \$125 in year 1 and \$50 in year 2 for each energy type cancelled.

Market conduct

5. PAFC produces a number of publications which are distributed to members throughout the year. The energy offer being made available to PAFC members will be promoted through:
 - a. PAFC publications (newsletters) to members;
 - b. Direct Mail to members (distributed initially for the launch);
 - c. The PAFC website; and
 - d. Brochures to new PAFC members upon joining.
6. PAFC members will be able to enter into an energy contract with EA-IPR over the telephone utilising verbal recording technology.
7. EA-IPR may refuse to offer the energy Market Contract provided as part of this alliance partnership to consumers who are not PAFC members. Consumers will be advised that they will need to buy membership to PAFC in order to become eligible for the offer.

Nature of public benefit

8. The proposed conduct offers significant benefits to the public in South Australia, because:
 - a. The offers make energy and membership to the PAFC more affordable to residential customers;
 - b. The conduct will encourage competitors to make available further offers and benefits to this consumer segment.

Competitive effects

9. The proposed conduct will have no detrimental effect on competition. The energy retail sector is highly competitive, and there are many other retailers on an equal footing in South Australia, actively offering other discounts and benefits to energy consumers.
10. The proposed offer does not limit the choice of consumers because:
 - a. EA-IPR will continue to offer other energy products to consumers regardless of whether the consumers become members of PAFC. EA-IPR offers a wide range of other competitive discounts and benefits to the general public which do not have any pre-requisite membership requirements for eligibility; and
 - b. Consumers are free to purchase energy from other retailers.

Other

11. The ACCC has previously granted immunity to EA-IPR for similar conduct with the following entities:
 - a. Shop Distributive and Allied Employees Association (ABN 90 746 146 487): ACCC Ref No.: N92143 – N92144; and
 - b. RAA of SA Inc. (ABN 90 020 001 807): ACCC Ref No.: N91340 – N91352.

Conclusion

12. For the reasons set out above, EA-IPR considers that the proposed conduct will generate tangible public benefits and will cause no detriment to competition.