

**Chisholm, Shane**


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**From:** Mark.McCowan@corrs.com.au  
**Sent:** Monday, 13 August 2007 5:26 PM  
**To:** Chisholm, Shane  
**Cc:** Conway.Restom@corrs.com.au  
**Subject:** TRIM: Fw: N92983 - Exclusive Dealing Notification from Mirvac Homes (NSW) Pty Ltd- request for further information [SEC=UNCLASSIFIED]

Dear Shane

We refer to your email below regarding Mirvac Homes (NSW) Pty Limited's (Mirvac) exclusive dealing notification N92983 (Notification) and to our telephone conversation in this regard.

In answer to your queries, we are instructed that the comparable service to which paragraph 8 of Attachment A of the Notification refers is the supply of electricity sourced from the conventional grid.

Under the Energy Supply and Infrastructure Agreement entered into by GridX Power Pty Ltd (GridX) and Mirvac, which is applicable to Mirvac's Gillieston Heights housing estate, GridX warrants that (paraphrasing):

- i. electricity charges to customers shall be no greater than the rates charged by Energy Australia and AGL Electricity Pty Ltd for comparable and traditionally services households; and
- ii. where a "Thermal Network" (as defined) is installed and the purchasers take up the associated appliances, the aggregate costs of the customer's electricity and thermal water bills will be at least 10% less than the rates a customer would pay for its electricity charges in a comparable household where appliances are powered by electricity.

GridX has advised Mirvac that:

- in respect of (i) above, it intends to use, as a reference point, the published market rates offered by Energy Australia and AGL Electricity to residential customers whose consumption pattern is similar to the consumption pattern of homes on the estate;
- in respect of (ii) above, the prices charged by GridX for hot and cold water are expressed as kilowatts of thermal energy used and the determination of the comparator rate is based on energy conversion factors by reference to the cost of operating standard appliances on electricity at standard rates; and
- GridX will have a contract with each customer setting out the prices charged for electricity and, if applicable, hot and cold water and GridX will, in each bill, provide a comparison between:
  - a. the amount charged by GridX to the customer for these services; and
  - b. the amount the customer would have been charged had it been supplied by Energy Australia or AGL (at their published rate for residential customers) and, if applicable, had standard appliances operating on electricity rather than the Thermal Network.

GridX's guarantee, referred to in paragraph 8 of the Notification, is to be communicated to buyers and prospective buyers in the development through:

- the contract between GridX and each customer, which will set out the prices to be charged for electricity and hot and cold water;
- each bill to the customer, which will make the comparison referred to above; and

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- an information pack, which is being prepared by GridX, to be provided to prospective purchasers.

Please do not hesitate to contact us if you have additional queries or require further information from Mirvac or GridX.

Kind regards

Conway Restom/Mark McCowan  
Partner/Solicitor

Tel +61 2 9210 6067/6080  
Fax +61 2 9210 6611  
[www.corr.com.au](http://www.corr.com.au)

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----- Forwarded by Jeanelle Fealy/Sydney/CORRS/AU on 31/07/2007 01:03 PM -----

"Chisholm, Shane"  
<Shane.Chisholm@ccc.gov.au>

To <conway.restom@corr.com.au>

cc

30/07/2007 02:46 PM

Subject N92983 - Exclusive Dealing Notification from Mirvac Homes (NSW) Pty Ltd - request for further information [SEC=UNCLASSIFIED]

Dear Conway

I refer to exclusive dealing notification N92983 from Mirvac Homes (NSW) Pty Limited. At point 8 of Attachment A to the notification your client states that, "The cost of electricity for a potential purchaser using GridX is guaranteed by GridX to be no greater than the rates for comparable and traditionally serviced homes supplied with electricity under a standard form contract."

We seek your client's advice regarding what is considered to be a comparable service in this notification, in particular, whether this comparable service would be electricity sourced from the conventional grid (primarily sourced from coal) referred to at point 7(b) of Attachment A.

Please contact me if you would like to discuss this matter further.

Regards

Shane Chisholm  
Assistant Director

Adjudication Branch  
Australian Competition and Consumer Commission  
T: (02) 6243 1252

F: (02) 6243 1211

4/10/2007