



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2009/893
Contact Officer: Clare McGinness
Contact Phone: (02) 6243 1049

26 August 2009

Russell Dumas
Economic Regulation Authority (WA)
PO Box 8469
PERTH BC WA 6849

Sent via e-mail: Russell.Dumas@era.wa.gov.au

Dear Mr Dumas,

Retail Energy Market Company Ltd - applications for authorisation A91136, A91137, A91138, A91170 & A91171 - final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the above applications for authorisation lodged by the Retail Energy Market Company (REMCo) on 1 May and 24 July 2009.

REMCo sought authorisation of Chapters 5 (dealing with allocation, reconciliation and swing service) and 6 (which sets out procedures for ensuring compliance) of its Retail Market Rules (RMR), and the associated deeds.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation to the arrangements in Western Australia for 10 years, and in South Australia, 10 years or until REMCo's operations are transferred to the Australian Energy Market Operator. The ACCC's assessment is set out in Chapter 4 of its determination.

A copy of the determination will also appear on the ACCC's website (www.accc.gov.au/AuthorisationsRegister), and can be found by following the links to this matter.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is,

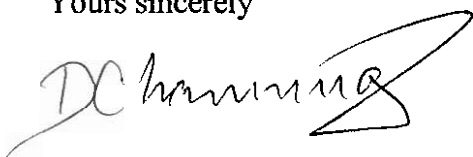
on or before 16 September 2009. If no application to review is lodged by this date, the ACCC's determination will come into force on 17 September 2009.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Clare McGinness on (02) 6243 1049.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DC Channing', with a large, stylized flourish extending to the right.

Darrell Channing
Director
Adjudication Branch