



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/893
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26 August 2009

Ralph Mignone
Manager Engineering & Technical Regulation
Envestra Limited
Level 10, 81 Flinders St
Adelaide SA 5000

Sent via e-mail: Ralph.Mignone@ENVESTRA.com.au

Dear Mr Ralph Mignone,

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 cursive script that reads "DChanning". The signature is written in black ink and is positioned to the left of the typed name.

Darrell Channing
Director
Adjudication Branch