



**Australian
Competition &
Consumer
Commission**

Our Ref: A91136-A91138
Contact Officer: Clare McGinness
Contact Phone: 02 6243 1049

8 May 2009

This letter, with
enclosures, was
sent to the attached
list of interested
parties on 8-5-09
MB

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Dear Sir/Madam

**Retail Energy Market Company Ltd (REMCo) authorisation applications
A91136-A91138 – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received applications for authorisation from the Retail Energy Market Company Ltd (REMCo). The ACCC invites you to comment on the applications. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

REMCo is seeking re-authorisation of Chapter 5 (Allocation, Reconciliation and Swing) and Chapter 6 (Disputes) of the Retail Market Rules (RMR) and the associated ancillary deeds. The RMR are the rules under which the gas retail market systems are operated in each of South Australia and Western Australia.

The ACCC originally granted authorisation to these arrangements on 28 July 2004.

Full copies of the applications are available on the ACCC's website <www.accc.gov.au>.

Interim authorisation

The current authorisation granted to REMCo expires on 31 May 2009. REMCo has made a request for interim authorisation to be granted to the arrangements before the current authorisation expires.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on:

- interim authorisation by **Wednesday 20 May 2009**, and/or
- the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements by **Friday 29 May 2009**.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

1 May 2009	Lodgement of application and supporting submission.
8 May 2009	Public consultation process begins.
20 May 2009	Closing date for submissions on interim authorisation.
May 2009	ACCC decision regarding interim authorisation.
29 May 2009	Closing date for submissions from interested parties.
May/June 2009	Applicant responds to issues raised in the public consultation process.
June/July 2009	Draft determination.
June/July 2009	Public consultation on draft determination including any conference if called.
August/September 2009	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 'DChanning', is written over a light grey rectangular background.

Darrell Channing
Director
Adjudication Branch

List of interested parties consulted on 8 May 2009

WA Gas Networks Pty Ltd
DBNGP (WA) Transmission Pty Ltd
APA Group
Alinta Sales Pty Ltd
Electricity Retail Corporation
Premier Power Sales
Envestra Limited
Epic Energy South Australia Limited
South East Australia Gas
TRUenergy Pty Ltd
Origin Energy Retail Ltd
International Power (Energy) Pty Ltd
AGL Energy Pty Ltd
Simply Energy
Santos Direct Pty Ltd
APIA
APIA
EUAA
Energy Networks Association
Major Energy Users
Energy Networks Association
Energy Retailers Association Australia
Energy Retailers Association Australia
VENCorp (Victorian Energy Networks Corporation)