



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/893
Contact Officer: Jackson Mallory
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29 July 2009

Dear Sir/Madam

**Retail Energy Market Company Ltd applications for authorisation A91170 & A91171
- interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has received further applications for authorisation from the Retail Energy Market Company Ltd (REMCo).

The applications are to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* which commenced on 24 July 2009. The conduct for which authorisation is being sought under applications A91170-A91171 is the same conduct that REMCo originally sought authorisation for on 1 May 2009 (authorisation applications A91136-A91138).

A copy of the new applications A91170 & A91171 is available from the ACCC website (www.accc.gov.au/AuthorisationsRegister).

The ACCC granted interim authorisation to applications A91136-A91138 on 27 May 2009, allowing Chapters 5 and 6 of the Retail Market Rules to continue. Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

The ACCC has decided to grant interim authorisation in respect of the application for authorisation lodged by REMCo on 24 July 2009. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions. A copy of the ACCC decision is attached.

Next steps

The ACCC is proposing to release a draft determination responding to applications A91170 & A91171 in the near future. This draft determination will take account of any submissions from REMCo and interested parties previously provided to the ACCC in respect of A91136-A91138.

The ACCC will give both REMCo and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 Jackson Mallory on (02) 6243 1061.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch