



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/893
Contact Officer: Clare McGinness
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5 August 2009

Dear Sir/Madam

**Retail Energy Market Company Ltd applications for authorisation A91170 & A91171
- draft determination**

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).

In particular, REMCo is seeking authorisation for Chapters 5 and 6 of its Retail Market Rules.

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

As you may recall, the ACCC published a draft determination in respect of applications A91136-A91138 on 15 July 2009, proposing to grant authorisation to these arrangements for 10 years.

The ACCC has now issued a draft determination to respond to the applications for authorisation lodged by REMCo on 24 July 2009. In reaching this determination the ACCC had regard to the submissions of the applicant and interested parties previously provided to it in response to applications A91136-A91138. Attached is a copy of the ACCC's draft determination.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference

provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **20 August 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 August 2009**.

The ACCC will consider any submissions it receives, including any submissions previously provided to it in respect of applications for authorisation A91136-A91138, and will then release a final determination in relation to these applications.

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

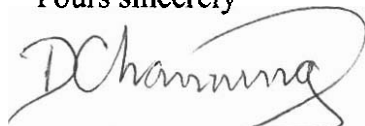
Timetable

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

24 July 2009	Lodgement of applications and supporting submission.
29 July 2009	ACCC decision regarding interim authorisation.
5 August 2009	Draft determination.
August 2009	Public consultation on draft determination including any conference if called.
August 2009	Final determination.

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



Darrell Channing
Director
Adjudication Branch