



**Australian
Competition &
Consumer
Commission**

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

Mr Paul Evans
Partner
Freehills Perth
QV.1 Building
250 St Georges Terrace
PERTH WA 6000

Dear Mr Evans

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

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

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to the arrangements for 10 years. In reaching this determination the ACCC had regard to the submissions of REMCo 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.

The ACCC is proposing to release a final determination in response to all applications for authorisation (A91136-A91138, A91170 & A91171) in late August 2009.

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 application 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



Dr Richard Chadwick
General Manager
Adjudication Branch