



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/503
Contact Officer: Ben Davis
Contact Number: (02) 6243 4942

9 June 2010

C/- Mr Peter James
Partner
Allens Arthur Robinson
Level 31, Riverside Centre
123 Eagle Street
Brisbane QLD 4000

Dear Mr James

Third line forcing notification N94684 lodged by ENERGEX Limited

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 18 May 2010. The notification has been placed on the ACCC's public register.

ENERGEX Limited (Energex) proposes to only connect a Large Customer's Connection Asset to the shared electricity distribution network and issue a Certificate for Electricity Supply on condition that the customer:

1. enters into a contract for design and construction services with a third party designer that Energex is satisfied to have the necessary design and construction expertise and experience, and
2. uses equipment that is of a satisfactory standard and is compatible with Energex's network, spares pool and Energex's maintenance practices and expertise, by reference to the list of equipment and products that have passed Energex's testing requirements from time to time.

Legal immunity conferred by the notification commenced on 1 June 2010.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that Energex and third party designers will disclose all relevant terms and conditions to prospective clients.

A copy of 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 Ben Davis on (02) 6423 4942.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch