



**Australian
Competition &
Consumer
Commission**

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Our Ref: 43016
Contact Officer: David Seccombe
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23 August 2010

Mr Domenic Capomolla
Chief Executive Officer
Simply Energy
Level 14, 644 Chapel Street
South Yarra VIC 3141

Dear Mr Capomolla

Third line forcing notifications N94872 and N94873 lodged by Ipower Pty Ltd and Ipower 2 Pty Ltd trading as Simply Energy

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 July 2010 and 4 August 2010. The notifications have been placed on the ACCC's public register.

In N94872, Simply Energy proposes to supply electricity or electricity and gas to residential consumers at a \$50 discount on their first bill on condition that they are or become members of the Melbourne Rebels Rugby Union Club and do not cancel their electricity contract with Simply Energy for one year. In N94873, Melbourne Rebels proposes to supply rugby union club memberships to consumers at a \$50 discount on condition that they purchase residential electricity or electricity and gas from Simply Energy and do not cancel their electricity contract with Simply Energy for one year.

Legal immunity conferred by N94872 commenced on 12 August 2010. Immunity conferred by N94873 commenced on 18 August 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 Simply Energy and Melbourne Rebels 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 David Secombe on (02) 6243 1394.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written over a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch