



**Australian
Competition &
Consumer
Commission**

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23 June 2011

Mr Ramy Soussou
Acting CEO
Energy Assured Limited
Suite 2, Level 4
189 Kent Street
Sydney NSW 2000

By email: rsoussou@eraa.com.au

Dear Mr Soussou

**Energy Assured Limited application authorisation A91258 & A91259
– final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by Energy Assured Limited on 29 October 2010. Energy Assured Limited has sought authorisation for a scheme to self regulate door to door energy sales undertaken on behalf of electricity and gas retailers.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation for three years. The ACCC's assessment is set out in Chapter 4 of its determination.

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 14 July 2011. If no application to review is lodged by this date, the ACCC's determination will come into force on 15 July 2011.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

When authorisations expire

Towards the end of the period of authorisation, the holders of an authorisation may either:

- apply for a new authorisation for the conduct or apply to revoke and substitute the existing authorisation or
- stop the conduct (unless they consider that the conduct no longer risks breaching the Act).

Upon receipt of an application for 'reauthorisation', the ACCC will assess the arrangements afresh – namely, it conducts a public consultation process to help assess the public benefits and public detriments that are likely to result from the arrangements.

While the ACCC will consider any application for 'reauthorisation' based on the circumstances at that time, in many cases, this assessment can be informed by whether the proposed public benefits and potential detriments were realised during the previous term of authorisation.

Should Energy Assured Limited consider it likely that it will seek 'reauthorisation' of the scheme in the future, the ACCC expects Energy Assured Limited to collect evidence of the public benefit and detriment outcomes produced by Energy Assured Limited during the period of authorisation.

In addition, the ACCC has identified a number of issues in the determination that warrant careful review should Energy Assured Limited seek reauthorisation. These are set out in the summary and in paragraph 4.29 of the determination. EAL should also seek to provide to the ACCC with information on these issues in support of any future application for 'reauthorisation'.

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 me on (02) 6243 1132.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch