



4th March 2011,

By email: ajudication@accc.gov.au

Gavin Jones
Director
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 520
Melbourne Vic 3001

Dear Mr. Jones,

Energy Assured Limited applications for Authorisations A91258 & A91259 – interested party submission

Simply Energy is an energy retailer currently active in Victoria and South Australia. Simply Energy, like all retailers in our category, actively engages marketing companies in door to door and telemarketing sales activities to promote our energy products and services to consumers. The use of door to door sales and marketing in particular, has ensured that choice of energy providers is presented to consumers and this channel has been integral in creating a highly competitive energy market in all states.

With over 350,000 current account holders, and many of these customers transferring to Simply Energy via door to door selling, the experience by the consumer has, in the main, been a positive one. Simply Energy is extremely committed to proactive measures to ensure this type of selling is protected and is positively promoted to consumers.

The Energy Assured Limited (EAL) provides a positive move forward with protection of consumer's rights to choice whilst reducing marketing misconduct within our industry. Simply Energy welcomes the EAL initiative. Simply Energy has already invested heavily in the scheme with commitment to resources involved in various working parties and voluntary membership entry.

Of concern to Simply Energy is the recommendation by the Consumer Utilities Advocacy Centre in letter dated 10th January. In this correspondence it was highlighted the need for all customers subjected to marketing activity to be provided information packs advising customers about the EAL Code of Practice and the complaints process. Not only is this impractical to implement, the cost associated with this recommendation is a considerable additional burden on the industry. Simply Energy firmly supports promoting the code as it is to our benefit however the associated costs must be reasonable. The measures in place to actively promote EAL on retailers websites in addition to including with sales contracts and distributing on request is an effective way of promoting consumer awareness and rights.

We do not agree with the recommendation to provide EAL information to all consumers, regardless of whether they have interest in our products or not.

We ask the ACCC to consider this letter in its determination.

Yours Sincerely,



Paul Inkster
General Manager Sales and Marketing
Simply Energy