



**Australian
Competition &
Consumer
Commission**

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Our Ref: 43916
Contact Officer: Neil Howes
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11 April 2011

Dear Sir / Madam

**Energy Assured Limited application for authorisation A91258 & A91259
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Energy Assured Limited (EAL) on 29 October 2010 and amended on 11 February 2011. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

EAL is seeking authorisation for a scheme to regulate door to door energy sales undertaken on behalf of electricity and gas retailers.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to deny authorisation. The ACCC's assessment is set out in Chapter 4.

Timing

In light of changes to the scheme submitted by EAL to the ACCC on 11 February 2011, and to allow the ACCC sufficient time to assess and consult on the amended application, the ACCC has sought, and EAL has given the ACCC an assurance that it will agree to, an extension of the statutory timeframe for release of a final determination to 30 June 2011. The ACCC has sought EAL's formal agreement by 13 April 2011.

If the extension is not formally agreed to, the deadline for release of the final determination by the ACCC will be 29 April 2011.

Next steps

Once the ACCC issues a draft determination, the Applicant 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 **25 April 2011**.

In addition, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **21 April 2011**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

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.

11 April 2011	Draft determination
25 April 2011	Deadline for stakeholders to request a pre-decision conference
21 April 2011	Closing date for submissions on draft determination
w/c 2 May 2011	Pre-decision conference (if called)
June 2011	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 Neil Howes on (03) 9290 1416.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

Energy Assured Limited application for authorisation

Interested parties consulted – 11 February 2011

ACT Administrative and Civil Appeals Tribunal (ACAT)
Aegis Direct
AGL Energy Limited
AIDA Sales & Marketing Pty Ltd
Alternative Technology Association
APA Group
Appco Group
Australian Chamber of Commerce and Industry
Australian Communications Consumer Action Network (ACCAN)
Australian Council of Social Services (ACOSS)
Australian Energy Market Commission (AEMC)
Australian Energy Market Operator (AEMO)
Australian Federation of Disability Organisations
Australian Financial Counselling and Credit Reform Association
Australian Financial Markets Association
Australian Industry Group
Australian Power and Gas Pty Ltd
Brotherhood of St Laurence
Chamber of Commerce and Industry Queensland
CHOICE
Chris Connolly (Consumer advocate)
Community Connections
Consumer Action Law Centre
Consumer Affairs Victoria
Consumer Utilities Advocacy Centre (CUAC)
Consumers' Federation of Australia
Council on the Ageing (National) Inc
Country Energy
Country Women's Association of Australia
CPM Australia Pty Ltd
CS Energy
Department of Resources, Energy and Tourism (Cth)
Enact Energy
Energex
Energy and Water Ombudsman NSW (EWON)
Energy and Water Ombudsman Queensland (EWOQ)
Energy and Water Ombudsman Victoria (EWOV)
Energy Australia
Energy Industry Ombudsman South Australia (EIOSA)
Energy Ombudsman Tasmania (EOT)
Energy One
Energy Users Association of Australia (EUAA)
Envestra
Epic Energy
Ergon Energy
ERM Power

Essential Services Commission of South Australia (ESCOSA)
Essential Services Commission Victoria (ESC)
Ethnic Communities Council NSW
Financial and Consumer Rights Council
Financial Counsellors Association of Queensland
Hobart Community Legal Service Inc
Hydro Tasmania
Independent Competition and Regulatory Commission (ACT)
Independent Regulatory and Pricing Tribunal of NSW (IPART)
Indigenous Consumer Assistance Network
Infratil Energy
Institute of Public Affairs
Integral Energy
InterGen
International Power
Jemena
Loy Yang Power
Lumo Energy Australia Pty Ltd
Macquarie Generation
Major Energy Users, Inc
Momentum Energy Pty Ltd
Moreland Energy Foundation Limited
National Association of Tenant Organisations
Neighbourhood Energy Pty Ltd
Northern Territory Council of Social Service
Office of the Tasmanian Energy Regulatory
Origin Energy
Pacific Hydro
Property Council of Australia (Tasmania Division)
Property Council of South Australia
Public Interest Advocacy Centre
Queensland Competition Authority (QCA)
Queensland Consumers' Association
Queensland Council of Social Service (QCOSS)
Queensland Farmers Federation / Queensland Cane Growers Organisation
QUT – Credit Commercial and Consumer Law Program
Red Energy Pty Ltd
SA Farmers Federation
Sales Force Australia Pty Ltd
Sales Marketing and Real Technologies (SMART) Pty Ltd
Santos
Simply Energy
Snowy Hydro
South Australia Council of Social Service (SACOSS)
South Australian Farmers' Federation
Southern Health
SP AusNet
St Luke's Anglicare
St Vincent de Paul Society
Stanwell Corporation

Synergy Energy
Tasmanian Chamber of Commerce and Industry
Tasmanian Farmers & Graziers Association
Tenants Union of Queensland Inc.
The Comunicom Group
Total Environment Centre
TRUenergy Pty Ltd
TSA Telco Group
Uniting Care Australia
Uniting Care Kildonan
Verve Energy
Victorian Council of Social Service (VCOSS)
Western Australia Council of Social Service