



**Australian
Competition &
Consumer
Commission**

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Our Ref: 50221
Contact Officer: Imogen Hartcher-O'Brien
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26 November 2012

Peter Gunn
Legal Counsel
Simply Energy

By email: Peter.Gunn@simplyenergy.com.au

Dear Mr Gunn

Third line forcing notifications N96276 & N96277 lodged by IPower 2 Pty Ltd and IPower Pty Ltd trading in partnership as Simply Energy

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 20 November 2012. The notifications have been placed on the ACCC's public register.

As part of a joint promotion with the Royal Automobile Club of Queensland (RACQ), IPower 2 Pty Ltd and IPower Pty Ltd trading in partnership as Simply Energy will offer to supply electricity to residential customers in the Energex distribution area in Queensland with a discount off the consumption charges for electricity on condition that when the customer enters into the contract for supply of electricity with Simply Energy the customer is a member of the RACQ or another Australian Roadside Assistance Membership Club or international affiliate.

Legal protection conferred by the notifications will commence on 4 December 2012.

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 legal protection provided by the notifications 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 IPower 2 Pty Ltd and IPower Pty Ltd trading in partnership as Simply Energy and RACQ will disclose all relevant terms and conditions to prospective customers.

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 Imogen Hartcher-O'Brien on (02) 6243 1049.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch