



**Australian
Competition &
Consumer
Commission**

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9 April 2013

By email

Dear Sir / Madam

Clean Energy Council Limited application for authorisation A91365 – A91366 – interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from the Clean Energy Council Limited (CEC).

The CEC is seeking authorisation of a voluntary code of conduct for solar photovoltaic (PV) retail businesses (the Code). The Code aims to promote best practice measures and activities for retailers of solar PV systems. The Code does not replace existing regulations or legislation, or the CEC's accreditation program for solar PV system designers and installers.

The ACCC invites you to comment on the application. For further information about the authorisation process, including how to lodge a submission to the ACCC, please refer to the attached summary.

A copy of the application for authorisation is available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. In particular, the ACCC would appreciate your views on the following issues:

- Is the Code likely to affect competition between solar PV retailers or other industry participants (for example manufacturers, designers and installers of PV systems or energy retailers) in any way? If so, how?
- Section 2.4.17 requires signatories to engage CEC accredited designers and installers for all system designs and installations, or an equivalently trained and accredited designer/installer as defined by the *Renewable Energy (Electricity) (Cth) Regulations 2001*. What impact is this requirement likely to have on competition?
- Are there likely to be any advantages for retailers in becoming signatories to the Code, or disadvantages if they are not signatories to the Code?

- Are the standards set out in the Code consistent with consumers' expectations of compliance with legislation and regulations and professional and ethical conduct more generally?
- Is the Code likely to enhance compliance by PV retailers with the relevant legislation and/or likely to provide better protection for consumers?
- Section 2.2.10 of the Code requires signatories to provide a minimum retailer's warranty period of five years on the operation and performance of the whole solar PV system including workmanship and products. Is this minimum warranty period likely to result in public benefit?
- Section 3 of the Code outlines administration and compliance processes. Are the provisions concerning breaches of the Code and corresponding sanctions appropriate? Are the provisions likely to result in public benefit?
- Section 4 of the Code outlines the process for becoming a Code signatory including the relevant fees. Are these provisions likely to result in public benefits?

In addition, the ACCC welcomes submissions on any other issues you think are relevant to the ACCC's assessment of the likely public benefit and detriments to result from the Code.

If you intend to provide a submission in relation to the CEC's application for authorisation, please do so by **1 May 2013**.

Alternatively, if you would like to provide comments orally, please contact Luke Griffin on 02 6243 1114 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

4 April 2013	Lodgement of application and supporting submission.
9 April 2013	Public consultation process begins.
1 May 2013	Closing date for submissions from interested parties.
May 2013	Applicant responds to issues raised in the public consultation process.
June 2013	Draft determination.

June/July 2013	Public consultation on draft determination including any conference if called.
September 2013	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. Please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the applications.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Luke Griffin on (02) 6243 1114.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch

Applications for authorisation A91365 – A91366 lodged by the Clean Energy Council Limited

List of interested parties – initial consultation

ACT Government
ActewAGL
Advocacy Panel
AGL
AGL Solar
Alinta Energy
Allect Group
Alternative Technologies Association
Applied Environmental Solutions
Aurora Energy
Australian Chamber of Commerce and Industry
Australian Council of Social Service
Australian Industry Group
Australian Power and Gas
Australian Retailers Association
Bethany Organisation
Blue Mountains Solar
Blue NRG
Bradford Energy Solutions
Breaze
Brotherhood of St Laurence
Cane Growers
Carbon Markets
Central Solar
Choice
Choice
Clean Energy Consultants
Clean Energy Regulator
Clean Energy Solar
Clean Green Power
Click Energy
Cola Solar
Commonwealth Department of Climate Change and Energy Efficiency
Conservation Council of South Australia
Consumer Action Law Centre
Consumer Utilities Advocacy Centre
Corospark
COTA Queensland
COTA SA
Council of Small Business Australia
Council of Small Business of Australia
Country Women's Association

CS Energy
CSR
Diamond Energy
Dodo Power & Gas
Earthsave
Economic Regulatory Authority (WA)
EcoSmart Solar
Ecovation
Electricity & Water Ombudsman New South Wales
Electricity & Water Ombudsman Queensland
Electricity & Water Ombudsman South Australia
Electricity & Water Ombudsman Victoria
Energy Consumer Council
Energy Matters
Energy Retailers Association of Australia
Energy Users Association of Australia
EnergyAustralia
Ergon Energy
Eris Mccarthy
ERM Power
Essential Energy
Essential Services Commission of South Australia
Essential Services Commission of Victoria
Ethnic Communities Council of New South Wales
Ethnic Communities Council of Victoria
evolve energy
Financial and Consumer Rights Council
Go Energy
Green Energy Trading
Greenbank Environmental
Independent Competition and Regulatory Commission
Infigen Energy
Infinite Energy
Infinity Solar
Ingenero
Intergen
IPART
Juno Energy
Kildonan Uniting Care
Lumo Energy
Major Energy Users
Maxi Solar
Metro Solar
MJ COONAN ELECTRICAL
Momentum Energy
Moreland Energy Foundation Limited

MSC SOLAR
Multiple Sclerosis Australia
Natural Technology Systems
Next Energy
Office of the Tasmanian Economic Regulator
Ombudsman Tasmania
Ombudsman Western Australia
One People HR
Origin Energy
Progressive Green
Public Interest Advocacy Centre
Qenergy
Queensland Competition Authority
Queensland Council of Social Service
Rainey Electrical
REC Agents Association
Red Energy
renewergy
Restaurant and Catering Industry Association of Australia
Sanctuary Energy
Shine On
Shopping Centre Council of Australia
Si Clean Energy
Simply Energy
Skyline Solar
Small Business NSW
Solar Australia
Solar Depot
Solar Gain
Solaray Energy Pty Ltd
Solarlife
Solaworx
South Australian Council of Social Service
South Australian Farmers Federation
Springers
St Kitts Associates
St Luke's Anglicare
St Vincent de Paul Society Victoria
St Vincent de Pauls Society
St Vincents Social Justice Committee
Stanwell Corporation
Sunergy Solar Water Wind
Sungevity
Sunshine Coast Solar/The Sun Works Solar Centres
Suntrix
Surpass Energy

Tasmanian Council of Social Service
Tenants Union Victoria
The Green Power Company
Total Environment Centre
Trina solar
True Energy
Truenergy
Trust Power
Uniting Care
Uniting Care Community
Uniting Communities
Universe Solar
Urban Energy
Victorian Employers' Chamber of Commerce and Industry
ZEN Technologies