



Australian
Competition &
Consumer
Commission

Our Ref: 50034/ N96232
Contact Officer: Megan Cunningham
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11 January 2012

Mr Forbes Smith
Energy and Water Ombudsman, Queensland
PO Box 3640
South Brisbane BC Qld 4101

By email: info@ewoq.com.au

Dear Ombudsman

**Notification N96232 lodged by Jasmin Solar Pty Ltd
- interested party consultation**

The Australian Competition and Consumer Commission (**ACCC**) has received a notification of exclusive dealing lodged by Jasmin Solar Pty Ltd (**Jasmin Solar**) on 31 October 2012.

Jasmin Solar has notified the ACCC that it proposes to offer to supply domestic solar systems for low income households and seniors and pensioners in South East Queensland for \$1 on condition that customers use Diamond Energy as their energy retailer (Diamond Energy will pay Jasmin Solar the Queensland Government Feed-in Tariff).

For more details please refer to the notification, which is available on the ACCC's website www.accc.gov.au/ExclusiveDealingRegister.

By notifying the conduct to the ACCC, Jasmin Solar has sought statutory protection from the competition provisions of the *Competition and Consumer Act 2010* for this conduct.

The role of the ACCC

The notified conduct would generally be considered to fall within the definition of exclusive dealing, which is regulated by section 47 of the *Competition and Consumer Act 2010* (the **Act**). By notifying the conduct to the ACCC, Jasmin Solar can gain statutory protection from the Act 14 days after lodging a valid notification. Statutory protection in this instance commenced on 14 November 2012.

However, the ACCC may revoke the notification at any time if it considers that the public detriment from the conduct outweighs the public benefit. In order to assess the

balance of public detriment and benefit, the ACCC is contacting you and a number of other potentially interested parties to seek your views of the conduct.

Request for submission and information

The ACCC seeks a submission on your views of any likely:

1. public benefits that are likely to arise from the conduct notified by Jasmin Solar
2. harm to competition likely to arise from the notified conduct
3. other public detriment, including consumer harm, that is likely to arise from the notified conduct.

The ACCC would also appreciate if you could provide information about any complaints made to your office concerning:

4. Jasmin Solar
5. conduct that is similar to the conduct notified by Jasmin Solar
6. any of the officeholders of Jasmin Solar, namely:
 - a. Director and Secretary: Mr Matthew Starr (dob 9-Jul-1958, Sydney NSW), of 16 Oxford Close, Templestowe, VIC, 3106
 - b. Director: Jolande Maria Carson-Selman (dob 18-May-1953, The Hague Netherlands), of 2301 Plaza Del Grande Las Vegas Nevada 8, 9102, United States
 - c. Director: Steven Spielman (dob 12-May-1971, New York, United States), of 4001 South Decatur Boulevard Ste 37445, Las Vegas Nevada 89103, United States
 - d. Director: Fred Seller (24-Jan-1962 Montreal, Canada), of 62 Cimarron Cr Nepean Ontario K2G 6C9, Canada
 - e. Director: Gary Contreras (18-Nov-1973 San Cristobal Venezuela, Bolivarian Republic), of Residencial Lomas Del Zurqui Casa #F-10, San Isidro Heredia, Costa Rica
7. any of the shareholders in Jasmin Solar, namely:
 - a. Cyberspace corporation Pty Ltd (ABN: 88 071 433 666)
 - b. Engaging Minerals LLC (registered business address: PO BOX 556 Main Street, Charlestown Nevis, West Indies, St Kitts and Nevis)
 - c. JRC-Services (registered business address: 2301 Plaza Del Grande Las Vegas Nevada 8, 9102, United States).

If you intend to provide a submission, please do so by **Friday 25 January 2013**. Submissions can be lodged by email to adjudication@accc.gov.au, by facsimile on (02) 6243 1212 or posted to GPO Box 3131, Canberra ACT 2601.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request you make for material to be excluded from the register (guidelines are attached). A summary of the notification process, outlining

the ACCC's role in assessing notifications and how to make a submission is also attached.

If you wish to discuss any aspect of this matter, please contact Megan Cunningham on (03) 9290 1856 or by email at adjudication@accc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Richard Fleming', with a stylized, flowing script.

Richard Fleming
A/g General Manager
Adjudication Branch