



**Australian
Competition &
Consumer
Commission**

Our Ref: 59066
Contact Officer: Saraj Bhullar
Contact Number: (03) 9290 1941

GPO Box 3131
Canberra ACT 2601

25 February 2016

23 Marcus Clarke Street
Canberra ACT 2601

Katrina Groshinski
MinterEllison
Level 40 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

By email: katrina.groshinski@minterellison.com

Dear Katrina

**Third line forcing notifications N98837, N98838 and N98839 lodged by Ausgrid,
Endeavour Energy and Essential Energy**

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 7 January 2016. The notifications have been placed on the ACCC's public register.

Legal protection conferred by the notifications commenced on 21 January 2016.

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 these 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 the notifying parties will disclose all relevant terms and conditions to prospective customers.

I note that the notification lodged by Ausgrid describes the conduct as Ausgrid proposing to supply authorisation services to an Accredited Service Provider (ASP) and ASP personnel on condition that the ASP personnel acquire network-specific training services from either Ausgrid, or a registered training organisation endorsed by Ausgrid. You have advised that the conduct was described in this way to provide full details of the proposed arrangements, but that Ausgrid is only seeking to notify its third line forcing conduct. Ausgrid is not seeking to notify, and the ACCC's decision does not therefore provide statutory protection for, conduct relating to Ausgrid potentially requiring ASP personnel to purchase both authorisation services and network-specific training services from Ausgrid.

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 Saraj Bhullar on (03) 9290 1941.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'B Mullen', written in a cursive style.

Baethan Mullen
A/g General Manager
Adjudication Branch