



Australian  
Competition &  
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Our ref: 62697  
Contact officer: Kaitlin Hanrahan  
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10/08/2017

### ***By Email***

Dear Sir/Madam,

## **Eastern Energy Buyers Group applications for authorisation A91594 & A91595 —interested party consultation**

The Australian Competition and Consumer Commission (the **ACCC**) has received an application for authorisation from the Eastern Energy Buyers Group (**EEBG**). The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

EEBG is seeking authorisation, on behalf of its current and future members, to establish a joint energy purchasing group. EEBG members propose to pool their collective demand for electricity and gas and place one or more tenders into the market calling for proposals to meet their electricity and gas needs. The current members of EEBG are industrial users of energy, operating in energy intensive industries, with significant operations in Victoria. Further details about the gas and electricity consumption of members of the group is provided in their application for authorisation.

A full copy of the application for authorisation is available on the ACCC's website [www.acc.gov.au/AuthorisationsRegister](http://www.acc.gov.au/AuthorisationsRegister).

### **Interim authorisation**

EEBG has requested interim authorisation conduct initial investigations in relation to potential electricity, gas and gas transport options, prepare the tender documentation, and potentially issue the tender or tenders. The EEBG will not enter into any electricity supply, gas supply or gas transport agreements negotiated by the group or its representative unless or until final authorisation is granted.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim authorisation is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

### **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.

If you intend to provide a submission in relation to EEBG's application for authorisation, please do so by **1 September 2017**. Submissions in relation to interim authorisation should be provided by **22 August 2017**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject 'A91594 & A91595 – Eastern Energy Buyers Group – submission'.

Alternatively, if you would like to provide comments orally, please contact Kaitlin Hanrahan on 03 9290 1917 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

<b>4 August 2017</b>	Lodgement of application and supporting submission.
<b>10 August 2017</b>	Public consultation process begins.
<b>22 August 2017</b>	Closing date for submissions on interim authorisation.
<b>August 2017</b>	ACCC decision regarding interim authorisation.
<b>1 September 2017</b>	Closing date for submissions from interested parties.
<b>September 2017</b>	Applicant responds to issues raised in the public consultation process.
<b>October 2017</b>	Draft determination.
<b>October/November 2017</b>	Public consultation on draft determination including any conference if called.
<b>December 2017</b>	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. If you are able to, 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 application.

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 Kaitlin Hanrahan on 03 9290 1917 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Gavin Jones  
Director  
Adjudication Branch