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10/08/2017

Justin Jones  
Counsel  
Ashurst Australia

By email: [Justin.Jones@ashurst.com](mailto:Justin.Jones@ashurst.com)

Dear Mr Jones

**Authorisation A91594 & A91595 submitted by Eastern Energy Buyers Group – request for material to be excluded from the public register**

I refer to the Eastern Energy Buyers Group's (EEBG) application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 4 August 2017.

I have considered your request that the confidential version of the EEBG's supporting submission be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the Competition and Consumer Act 2010 (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that confidential version of the submission will not be placed on the public register.

I note that you have requested that the ACCC confirm that the confidential version of the submission will be treated as confidential for all purposes (not just for the purpose of excluding it from the public register) and as exempt under the *Freedom of Information Act 1982* (Cth).

As discussed in our call on 7 August, the ACCC accepts confidential submissions on the basis that:

- There is no restriction on the internal use, including future use, that the ACCC may make of confidential information consistent with the ACCC's statutory functions.
- Confidential information may be disclosed to the ACCC's external advisors and consultants on the condition that each such advisor or consultant will be informed of the obligation to treat the information as confidential.

- The ACCC may disclose confidential information to third parties (in addition to its external advisors and consultants) if compelled by law or in accordance with section 155AAA of the Act.

The ACCC accepts the confidential version of the EEBG's submission on this basis.

This letter has been placed on the ACCC's public register.

I note that you also provided a public version of your clients' submission. This version will be placed on the public register in the form it was provided to the ACCC.

Should you have any queries in relation to this matter, please do not hesitate to contact Kaitlin Hanrahan on 03 9290 1917.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Jones', is positioned above the typed name.

David Jones  
General Manager  
Adjudication Branch