

**IN THE AUSTRALIAN COMPETITION TRIBUNAL
AGL ENERGY LIMITED**

of 2014

**RE: PROPOSED ACQUISITION OF MACQUARIE GENERATION (A CORPORATION
ESTABLISHED UNDER THE ENERGY SERVICES CORPORATIONS ACT 1995
(NSW))**

ANNEXURE CERTIFICATE

This is the annexure marked "MB9" annexed to the statement of **MARK TROY BROWNFIELD**
dated 21 March 2014

Annexure MB9

Filed on behalf of (name & role of party)	AGL Energy Limited		
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[Form approved 01/08/2011]

Annexure MB9

Examples of electricity retailers triggering Retail of Last Resort provisions of the Rules

The following table includes examples of existing electricity retailers being suspended from the NEM and triggering the Retailer of Last Resort (**RoLR**) provisions of the Rules. Attachment 1 to this document is a bundle of materials including copies of screen shots and extracts of other documents referenced in the footnotes to the table.

Entity	Summary
Jackgreen	<p>Jackgreen was incorporated in June 2001, and began retailing electricity in New South Wales in January 2005.¹ Jackgreen was the wholly owned subsidiary of the public company, Jackgreen Limited (ASX Code: JGL).</p> <p>Jackgreen was suspended from the NEM by the independent market operator on 18 December 2009.² AGL is not aware of the precise reasons for Jackgreen's exit. Jackgreen customers were automatically transferred under the Retailer of Last Resort (RoLR) provisions of the National Electricity Rules, and AGL acquired some of these electricity customers in Victoria (where it was a RoLR at the time).</p>
Energy One	<p>Energy One Limited was established in 1996 and listed on the ASX in January 2007. Energy One was an electricity retailer with customers in New South Wales, Queensland, Victoria and the Australian Capital Territory.</p> <p>Energy One was suspended from the NEM on 22 June 2007. According to Energy One's announcement to the ASX on 22 June 2007, the extremely high wholesale price events in the wholesale electricity market that were occurring at the time had a significant impact on Energy One's cash flow, forcing it to suspend electricity supply (refer to Energy One's ASX announcement contained in the attached bundle of documents) Energy One customers were automatically transferred under the RoLR provisions.</p>

¹ Available at <http://www.esc.vic.gov.au/getattachment/f09f9674-61be-45f2-9fba-e89739fdcc6c/Jackgreen-Retail-Licence-application.pdf>

² <http://www.energy.nsw.gov.au/customers/supplier/retailer-last-resort/info-jackgreen>

**ATTACHMENT - BUNDLE OF MATERIALS RELATING TO TRIGGER OF ROLR
REQUIREMENTS BY ELECTRICITY REGULATORS**

1.0 General Information

Jackgreen International Pty Ltd ("Jackgreen" or the "Applicant") is a 100% Australian owned independent electricity retailer. Jackgreen was incorporated in June 2001, was granted a New South Wales Electricity Retailer Licence in March 2002 and became a National Electricity Market Code Participant in January 2004. Jackgreen became registered with the Energy & Water Ombudsman NSW (EWON) as an electricity provider in June 2004. An Australian Financial Services Licence was granted in March 2005. Jackgreen began retailing electricity in New South Wales in January 2005. Jackgreen (International) Pty Ltd is the wholly owned subsidiary of the public company, Jackgreen Limited (ASX Code: JGL). Jackgreen Limited was listed on the Australian Stock Exchange in December 2004) after a successful, prospectus based, \$7M capital raise. Refer to the Applicant website at <http://www.jackgreen.com.au>

Jackgreen is growing its business in an exciting era of energy market reform and transition in Australia. Consumer choice, price competition and growth of investment into companies involved in the areas of sustainability and sustainable business development clearly support the Jackgreen growth strategy.

Jackgreen's target electricity market is the Residential and Small Medium Enterprise (SME) consumer accounts that purchase less than 160MWh per annum. This market has demonstrated a 50% unsatisfied customer demand with incumbent electricity retailers.

Jackgreen's core offer to customers includes:

- Supply of green energy;
- Opportunity to develop genuine community partnerships through Jackgreen providing a donation on behalf of customers to community organisations or charities at the time of becoming a Jackgreen customer, thereby creating wider social benefits as a result of the purchase decision;
- Competitive pricing, such that choosing a green energy component does not cost more than current supplier level; and
- Proven customer information and billing system that is 'state of the art', facilitating higher levels of customer service.

Following our successful launch in New South Wales (NSW) energy jurisdiction, the application for an electricity retail licence in Victoria is the next link in our national strategy. This national strategy includes application for energy licenses in South Australia, which have been recently lodged.

This application to retail electricity is made pursuant to section 18 of the Electricity Industry Act 2000 (Victoria) and in accordance with the guidance notes and technical capacity criteria published by the Essential Services Commission (the "ESC" or the "Commission") date November 2002.

It is considered that Jackgreen has the necessary financial viability and technical capacity to operate a successful electricity retail business in Victoria, as is evidenced by this application. This application is composed of public and private, in confidence, components. Where additional *Commercial-In-Confidence* information is available for consideration by the Commission on a particular element of this public application, it is so noted.

All questions related to this application should be directed to:

Mr Ashleigh Antflick
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Jackgreen (International) Pty Ltd
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Information for Jackgreen Energy subscribers

What happened to Jackgreen? Why is my electricity being supplied by another company?

Which customers in NSW are affected?

Will my electricity be turned off? Will I be disconnected?

What if I receive a rebate for my electricity?

Who is my electricity retailer now? How do I know who my new retailer is?

Will my gas supply be affected?

Who are the NSW Retailers of Last Resort?

What does *Retailer of Last Resort* mean?

What is the ROLR process? What happens now?

How much will I be paying for my electricity with my new retailer? What kind of contract will I be on?

What options do I have if I am not happy to continue being supplied by my new retailer on this type of contract?

How long do my options last?

What if I have a current dispute or a complaint with Jackgreen?

What if I have prepaid all or a portion my electricity account and my final bill shows my account is in credit?

What if I am paying my account automatically by direct debit?

What if I am paying my account directly through Centrelink Centrepay?

What if I am currently on a payment plan?

What if I was in the middle of transferring my contract?

What if I have GreenPower with Jackgreen? Will my electricity continue to come from GreenPower?

Will my Energy Rebate (formerly the Pensioner Rebate) continue?

Will my Life Support Rebate continue? Will I have to get another medical certificate from my doctor?

Will I be able to use Energy Account Payment Assistance (EAPA) vouchers with the new retailer?

I am a shareholder, will I lose any money?

Will I still receive a bill from Jackgreen for my electricity? Why am I receiving two bills from different retailers?

What do the charges on the two bills represent?

How much can Jackgreen charge me?

What happens if I don't pay these bills?

What happens if I cannot afford to pay both bills?

2013-12-18 10:00:00 AEST

What happened to Jackgreen? Why is my electricity being supplied by another company?

Jackgreen is unable to continue as an electricity retailer. This is because it was suspended on 18 December 2009 from the National Electricity Market by the independent market operator.

This action triggered a process that automatically transferred you to another electricity retailer so your electricity would not be cut off.

These arrangements have been put in place by the NSW Government to ensure that no customer is left without electricity on the rare occasion that a situation like this occurs.

These events are rare. This is the second time this has occurred since we introduced Full Retail Contestability (FRC) in 2002.

Which customers in NSW are affected?

This had an immediate impact on Jackgreen customers in NSW.

All NSW customers of Jackgreen were transferred to their new retailer (Retailer of Last Resort). That transfer happened at midnight on 18 December 2009.

Will my electricity be turned off? Will I be disconnected?

No. No one will be disconnected as a result of this event.

What if I receive a rebate for my electricity?

Customers who are concerned about continuing to receive their rebate can contact the retailer they have been transferred to. Information on finding out your new retailer's contact details is provided below.

This applies to the Energy Rebate, the Medical Energy Rebate and the Life Support Rebate. You may be asked by your new retailer to provide some additional information or to submit a new application form. However, your new retailer will make every effort to ensure that eligible customers continue to receive these rebates on their future bills.

Your new retailer will write to you in a few weeks to let you know who they are. Should you have concerns or an urgent matter to discuss please contact your new retailer on the number below.

Who is my electricity retailer now? How do I know who my new retailer is?

The retailer you have been transferred to depends on where you live / where your property is located.

The Minister for Energy has designated EnergyAustralia, Integral Energy and Country Energy to be the ROLRs in



22 June 2007

ASX ANNOUNCEMENT

Energy One Limited has today advised the National Electricity Market Management Company (NEMMCO) and its customers, that it will suspend the supply of electricity from midnight tonight, Friday 22nd June 2007.

The effect of this suspension is that market regulations apply to the transfer the customers to the incumbent retailer so that customers will continue to receive an uninterrupted supply of electricity.

As has been observed by the market, the impact of the drought on east-coast generation assets combined with the cold weather over the last two weeks has produced a number of extremely high wholesale price events in the wholesale electricity market.

Whilst Energy One is largely insulated through hedges, the extremely high wholesale prices have had a significant impact on cash flow. There is every reason to believe there may be further price events in coming weeks and as such the Board and Management of Energy One are considering the immediate and long-term future profitability of the company given current wholesale energy prices.

The current quoted prices for us to purchase 1 Mw of energy in the wholesale markets for the next three years from 1st July 2007 are:

Year Ended	NSW		QLD	
	Base Load	Peak Load	Base Load	Peak Load
30/6/2008	\$88.65	\$138.43	\$101.89	\$153.48
30/6/2009	\$71.33	\$123.26	\$72.75	\$130.40
30/6/2010	\$58.26	\$105.15	\$51.08	\$109.24

These prices compare with those prevailing earlier this year of approximately \$40 to \$45 per Mw for base load electricity.

The high wholesale prices currently being experienced are affecting all retailers in the electricity industry.

The above data led the Board and Management of Energy One to the following conclusions:

- I. It would be impossible to provide a service to customers and break even, in fact significant losses would occur; and
- II. It was imperative to suspend retailing activities in order to secure the continuation of other parts of the business.

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Energy One will continue with the development of its utility software system. The company has received interest from both utility and software companies who are interested in licensing the software.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'V. Busby', written in a cursive style.

Vaughan Busby
Chief Executive Officer