



Our ref: AA1000668
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Dear Interested Party

Victoria's Electricity Distribution Network Service Providers application for authorisation AA1000668 – interested party consultation

On 19 April 2024, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from AusNet Electricity Services Pty Ltd, CitiPower Pty Ltd, Jemena Electricity Networks (Vic) Ltd, Powercor Australia Ltd and United Energy Distribution Pty Ltd (**Applicants**). This letter is to invite you to comment on that application. You are welcome to pass this letter on to others who may wish to make submissions.

The Applicants are seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth) in anticipation of the expiry of their existing authorisation A91393, A91394 and A91395 on 15 May 2024. Authorisation would give the Applicants legal protection from competition laws to continue their scheme which requires civil contractors who perform underground civil works involving electrical infrastructure assets to undergo approved training and to implement an accredited management system audit process. The Applicants are seeking authorisation for 10 years.

A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

The applicants have been operating this scheme for a number of years under an existing authorisation. That authorisation is due to expire on 15 May 2024, so the ACCC has granted interim authorisation in respect of the application for authorisation lodged by the Applicants. A copy of this decision is attached.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* (Cth) and enables the scheme to continue while the ACCC considers and evaluates the merits of the substantive application for authorisation.

Making a submission

The ACCC invites you to make a submission on the application for authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

¹ For information about Authorisations, please see <https://www.acc.gov.au/business/exemptions/authorisation>

Further, the ACCC invites you to tell us about your experience under the Applicants' existing accreditation scheme for civil contractors performing underground civil works (authorisation for which came into force on 15 May 2014 and is due to expire on 15 May 2024). The ACCC is particularly interested in the public benefits and detriments you have observed as a result of the accreditation scheme to date, such as (but not limited to):

- the impact of the scheme on compliance burdens and costs for civil contractors
- the safety and quality of underground civil works performed by civil contractors
- the impact of the scheme on customers' (including developers') choice and confidence in civil contractors.

If you intend to provide a submission, please do so by **31 May 2024**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Submissions should be lodged via the web form accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Lynette Lymbers via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Next steps

For your information, following the closing date for submissions, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the Applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the Applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. In this regard the ACCC will reconsider this decision at the time of issuing its draft determination. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

| Indicative date | Stage in assessment process |
|----------------------|---|
| 19 April 2024 | Lodgement of application and supporting submission. |
| 24 April 2024 | Public consultation process begins. |
| 8 May 2024 | ACCC decision regarding interim authorisation. |
| 31 May 2024 | Closing date for submissions from interested parties. |

| Indicative date | Stage in assessment process |
|-------------------------|--|
| 6 June 2024 | Applicant responds to issues raised in the public consultation process. |
| July/August 2024 | Draft determination. |
| August 2024 | Public consultation on draft determination including any conference if called. |
| October 2024 | Final determination. |

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Lynette Lymbers on 02 9230 9132 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions