



Our ref: AA1000455
Contact officer: Tanya Hobbs
Contact phone: 02 6243 1029

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

28/10/2019

adjudication@acc.gov.au
www.acc.gov.au

Dear Sir/Madam

Melbourne Renewable Energy Project 2 - RMIT University & Ors application for authorisation AA1000455 – interested party consultation

On 24 October 2019, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from RMIT University and seven other entities (the **Applicants**).

This letter invites you to comment or pass on to others who may wish to make submissions. If you do not wish to make a submission, no further action is required from you.

The Applicants are seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth) (the **Act**). The Applicants have sought authorisation to jointly tender for, negotiate and administer renewable electricity supply arrangements (the **Conduct**). The Applicants are seeking authorisation until 2034. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

The Applicants have also requested interim authorisation to allow them to engage in joint negotiations and tendering prior to the ACCC's final determination. The Applicants have submitted that they will not award the tender unless and until final authorisation is granted. Due to the timing of expiring contracts in June 2020, and in the context of previous ACCC authorisation of similar conduct, the Applicants have requested that the application for interim authorisation be determined within 28 days.

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. The ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim 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.

Making a submission

The ACCC invites you to make a submission on the application for authorisation and interim authorisation. 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.accc.gov.au/business/exemptions/authorisation>

Submissions on interim and substantive authorisation are due by **8 November 2019**. Written submissions should be emailed to adjudication@acc.gov.au with the subject 'AAAA10000455 – RMIT University & Ors– submission'. Alternatively, for verbal submissions, please contact Tanya Hobbs via the details at the end of this letter.

Your submissions **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](#) or more information on how to make a request and how we assess requests).

Timetable

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
24 October 2019	Lodgement of application and supporting submission.
28 October 2019	Public consultation process begins.
8 November 2019	Closing date for submissions.
November 2019	ACCC decision regarding interim authorisation.
November/December 2019	Applicant responds to issues raised in the public consultation process.
December 2019	Draft determination.
January 2020	Public consultation on draft determination including any conference if called.
February 2020	Final determination.

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 Tanya Hobbs on 02 6243 1029 or adjudication@acc.gov.au.

Yours sincerely



Gavin Jones
Director
Adjudication

Interested Party List

1st Energy Pty Ltd
ActewAGL
AEMC
AEMO
Alinta Energy
Australian Energy Council
Blue NRG
Amaysim
Change Energy
Cleantech Energy
Cova U Pty Ltd
CS Energy Department of Treasury
Diamond Energy Energy
Australia Energy Consumers Australia
Energy Locals
Engie
Enova Energy
ERM Power
Horizon Power
Intergen
Lumo
M2 Energy
Meridian Energy
Momentum Energy
Next Business Energy Pty Ltd
OC Energy Pty Ltd
Origin People
Powerdirect
Powershop
QEnergy
Red Energy
Sanctuary Energy
Simply Energy
Snowy Hydro
Sumo Power
Sunset Power (Delta Electricity)
Tango Energy Pty Ltd
Vocus Group (Dodo)