



Our ref: AA1000643  
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13 June 2023

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Dear Interested Party

www.accc.gov.au

## **Australian Energy Market Operator Limited - application for authorisation AA1000643 – interested party consultation**

On 7 June 2023, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from Australian Energy Market Operator Limited (**AEMO**) on behalf of itself and energy industry participants. This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

AEMO seeks authorisation<sup>1</sup> on behalf of itself, its related bodies corporate and current and future AEMO Industry Participants under the *Competition and Consumer Act 2010* (Cth). Authorisation would give them legal protection from competition laws to engage in certain conduct related to planning for and/or minimising any disruptions to electricity supply across Australian electricity markets (other than in Western Australia) provided the conduct has the purpose of:

- ensuring the safe, secure and reliable operation of Australia's energy systems, and minimise the risk of any energy outages, during the period of the authorisation and/or
- ensure the continued operation and integrity of the NEM during the period of the authorisation.

The conduct is limited to electricity (i.e., it does not include conduct related to gas) and does not include the sharing of specific generator's wholesale prices, costs and margins. AEMO is seeking authorisation until 30 June 2026.

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

### **Interim authorisation**

AEMO has also requested interim authorisation on an urgent basis to enable the conduct to begin prior to the ACCC's final determination in relation to 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.

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

If you intend to provide a submission, please do so by **18 July 2023**. 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 in relation to interim authorisation should be provided by **23 June 2023**. Extensions are not normally granted for submissions on interim authorisation.

Submissions should be lodged via the web form accessible on the public register page for this matter, which can be found on the ACCC's [public register](#). Alternatively, if you would like to provide comments orally, please contact Penny Bigham 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](#)).

## 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
<b>7 June 2023</b>	Lodgement of application and supporting submission.
<b>13 June 2023</b>	Public consultation process begins.
<b>23 June 2023</b>	Closing date for submissions on interim authorisation.
<b>July 2023</b>	ACCC decision regarding interim authorisation.
<b>18 July 2023</b>	Closing date for submissions from interested parties.
<b>August 2023</b>	Draft determination.
<b>September 2023</b>	Public consultation on draft determination including any conference if called.
<b>October 2023</b>	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 Penny Bigham on 07 3052 1221 or [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely



David Hatfield  
Director  
Competition Exemptions