



Economic Regulation Authority

 WESTERN AUSTRALIA

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*Promoting fair prices, quality services and choice.*

## NOTICE

### Invitation for Public Submissions on Clear Energy Electricity Retail Licence & Standard Form Contract

The Economic Regulation Authority is seeking public comment on Clear Energy's draft Standard Form Contract and electricity retail licence application.

Clear Energy seeks to retail electricity to small use customers (those consuming less than 160MWh per annum), including residential and business customers consuming less than 50MWh per annum.

Clear Energy submitted an application for a retail licence to supply electricity on 6 August 2009. The application was subject to public consultation from 5 October 2009 to 26 October 2009. Subsequently, Clear Energy has provided additional information regarding the service it aims to provide. As a result, the Authority has extended the period for submissions on the licence application to coincide with the consultation period on the Standard Form Contract.

A copy of the information provided by Clear Energy is available on the Authority's [web site](#).

A copy of the licence application is also available on the Authority's [web site](#).

In the South West Interconnected System, Western Power is precluded from connecting a customer consuming less than 50MWh per annum (the contestability threshold) to the electricity distribution network, for the purpose of supplying electricity, via a retailer other than Synergy. This provision precludes retailers, other than Synergy, from selling electricity to these customers. However, it has been argued that, in circumstances where the electricity is not transported by the Western Power network, for example, where the electricity is generated on the premises, and fed directly into the home, this restriction does not apply. This is the situation that may allow Clear Energy to sell electricity to customers under 50MWh per annum.

Under the *Electricity Industry Act 2004*, the Authority must not grant a retail licence unless it has approved the associated Standard Form Contract.

Under the Act, the Authority must not approve the Standard Form Contract if it considers that the contract will not meet the requirements of the regulations or does not comply with the Act or any other written law or any term, condition or provision of the licence.

Clear Energy has submitted a draft of the Standard Form Contract under which the company proposes to supply electricity to customers.

A copy of the draft Standard Form Contract can be obtained from the Authority's [web site](#).

The Authority is yet to consider the standard form contract or the licence application made by Clear Energy.

A copy of the Authority's Public Consultation Guidelines for Licences and Standard Form Contracts is available on the Authority's [web site](#).

Submissions should be in both printed and electronic form and arrive by 5.00pm WST on Monday, 23 November 2009. Please send to:

Mr Paul Kelly  
Executive Director  
Licensing, Monitoring & Customer Protection  
Economic Regulation Authority  
PO Box 8469  
Perth Business Centre  
PERTH WA 6849

Email: [publicsubmissions@era.wa.gov.au](mailto:publicsubmissions@era.wa.gov.au)

A further round of public consultation may be provided depending upon the number and nature of submissions resulting from the first round of public consultation.

## **Confidentiality**

In general, all submissions from interested parties will be treated as in the public domain and placed on the Authority's web site.

Where an interested party wishes to make a submission in confidence, it should clearly indicate the parts of the submission for which confidentiality is claimed, and specify in reasonable detail the basis for the claim.

The receipt and publication of any submission on the Authority's web site shall not be taken as indicating that the Authority has knowledge, either actual or constructive, of the contents of a particular submission and, in particular, whether the submission in whole or in part contains information of a confidential nature. No duty of confidence will arise for the Authority in these circumstances.

For further information contact:

### **General enquiries**

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LYNDON ROWE  
**CHAIRMAN**

6 November 2009