

Our Ref: AER202179
Contact Officer: Neil Unantenne
Contact Phone: 07 3835 4624

Level 25
32 Turbot Street
Brisbane QLD 4000
www.aer.gov.au

30 November 2021

Con Van Kemenade
Head of Regulation
Enel Energy Australia
Level 23.07, 100 Barangaroo Avenue
Barangaroo NSW 2000

Dear Mr Van Kemenade

Enel Energy Australia Pty Ltd application for electricity retailer authorisation

Pursuant to the delegation given to me by the Australian Energy Regulator (AER), I have assessed Enel Energy Australia's (EEA's) application for an electricity retailer authorisation and am satisfied that it complies with the requirements of s.92 of the National Energy Retail Law (Retail Law).

I advise that EEA's application for electricity retailer authorisation is approved.

The AER must grant an application for a retailer authorisation if an applicant has satisfied the entry criteria:

- a) the organisational and technical capacity criterion—the applicant must have the necessary organisational and technical capacity to meet the obligations of a retailer;
- b) the financial resources criterion—the applicant must have resources or access to resources so that it will have the financial viability and financial capacity to meet the obligations of a retailer; and
- c) the suitability criterion—the applicant must be a suitable person to hold a retailer authorisation.¹

In making its decision the AER is guided by the objective of the Retail Law.² The AER's decision is also informed by the assessment approach outlined in the AER's Retailer Authorisation Guideline. The AER consulted on EEA's application and did not receive any submissions.³

The AER considers that EEA has demonstrated its capacity and suitability to operate as an energy retailer under the Retail Law. EEA is therefore authorised to sell electricity under the

¹ Retail Law, s. 90(1).

² The national energy retail objective is to 'promote efficient investment in and efficient operation and use of energy services for the long term interests of energy consumers with respect to price, quality, safety, reliability and security of supply of energy' (Retail Law, s.13).

³ Retail Law, s.91.

Retail Law, as it is adopted in each participating jurisdiction (identification number: **E21011**). Please note this letter constitutes the AER issuing EEA's electricity retailer authorisation under s. 96 of the Retail Law.

The AER will publish a notice about EEA's retailer authorisation on its website,⁴ and its details will also appear on the AER's public register of authorised retailers (on the AER's website).⁵

Should EEA commence selling to residential customers, it must ensure that it complies with section 43(2) of the Retail Law, which requires a retailer to develop a customer hardship policy and submit it to the AER for approval.

If you have any further queries, or would like to discuss this further, please contact Neil Unantenne on 07 3835 4624.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R. Park'.

Rowena Park
General Manager, Compliance and Enforcement Branch

Sent by email on: 02.12.2021

⁴ Retail Law, s.96(2)(b),

⁵ Retail Law, s.119.