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8 February 2023

Liza Maris

[REDACTED]  
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By email: [REDACTED]

**Re: Notice of Acceptance of eligibility to register network exemption – Elanor Funds Management Limited ATF Tweed Heads Property Trust – Tweed Mall**

I refer to the application of Elanor Funds Management Limited ATF Tweed Heads Property Trust (**Elanor Funds**) for eligibility to register network exemptions under the requirements of section 4.9 of the Network Service Provider Registration Exemption Guideline (Network Exemptions Guideline)<sup>1</sup> to create an embedded network at Tweed Mall, Corner of Wharf and Bay Street, Tweed Heads NSW 2485.

I am writing to inform you that Elanor Funds' application satisfactorily addresses the requirements of section 4.9 of the Network Exemptions Guideline. We therefore issue this Notice of Acceptance effective from 6 February 2023 and confirm that Elanor Funds is now eligible to register the relevant network exemptions for publication on the Australian Energy Regulator's (**AER**) public register of exemptions.

***Eligibility for exemption in relation to conversions of existing networks***

In accordance with condition 4.1.12.1 of the Network Exemptions Guideline, an embedded / private network must not be created without the express written consent of existing energy consumers who will be included within the proposed network (affected energy consumers).<sup>2</sup> Parties intending to create such a network without the written consent of all affected energy consumers must meet the requirements stipulated in section 4.9 of the Network Exemptions Guideline to be eligible for network exemption.

In addition, section 4.9.7 of the Network Exemptions Guideline stipulates that a network must not be converted until the effective date specified in this notice.

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<sup>1</sup> Version 6 (2018)

<sup>2</sup> This condition applies wherever an exempt customer is eligible under State or Territory legislation to purchase energy from a retailer of their choice.

Parties who are issued with a Notice of Acceptance under section 4.9 are eligible to register and hold network exemptions for the network at that particular site according to the appropriate activity class. Activity classes are detailed under section 3 of the Network Exemptions Guideline and are subject to the further conditions detailed in section 4 of the Network Exemptions Guideline.

Failure to observe the conditions of exemption may render an exemption invalid. Owning, controlling or operating a network without registration with the Australian Energy Market Operator (**AEMO**) or holding a valid exemption from the AER constitutes a breach of section 11(2) of the National Electricity Law.

***Additional conditions applicable to the network exemption class(es) registered***

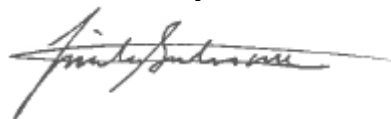
In addition to the conditions usually applicable to the network exemption class(es) held in relation to the embedded network at this site, Elanor Funds must also comply with the conditions of section 4.9 of the Network Exemptions Guideline. These conditions concern:

- retaining consent records for a period of at least 2 years;
- facilitating the continuation of a customer's energy contract with their current retailer;
- maintaining a customer's direct connection to the registered distributor;
- offer matching;
- avoidance of duplicated network charges;
- liability of the costs of metering/network changes; and
- the ability of metering arrangements to allow for access to retail competition.

For the full list of conditions, please refer to the Network Exemptions Guideline.

If you have any further queries, or would like to discuss this further, please contact Krystle Roche on (08) 8213 3406.

Yours sincerely



Mila Sudarsono  
Director  
Compliance and Enforcement

Sent by email on: 8 February 2023