

14 August 2014

Mr John Skinner  
Director – AER Networks  
Australian Energy Regulator  
NSWACTelectricity@aer.gov.au

Dear Sir,

**RE: Initial Disclosure Notice dated 15 July 2014 and subsequent Variation to Initial Disclosure Notice dated 5 August 2014**

I am writing in response to your initial disclosure notice dated 15 July 2014 and subsequent variation to initial disclosure notice dated 5 August 2014, which outlines the confidential information the AER is wishing to disclose and the documents in which that information is located.

Firstly, UAM acknowledges the AER's desire to provide greater transparency of information in the regulatory decision making process to improve overall services. However, we would also like to highlight that Section 28ZB (1) (a) of the National Electricity Law (NEL) clearly states *"that disclosure of the information would not cause detriment to the person, who has given it or to the person from whom that person received it"*.

The disclosure of UAM pricing information contained within but not limited to documents - Attachment 8.09 – Public Lighting Investment Plan – Active Reactors, Attachment 8.10 – Public Lighting Investment Plan – Replacement of Twin 20 Luminaries, currently located on the AER website, clearly falls into the definition of market sensitive cost inputs under supplier prices as listed in the AER Better Regulation: Confidentiality Guideline. Publishing of this highly confidential information would not only provide our competitors with a clear competitive advantage, existing commercial relationships with clients such as Ausgrid and Essential Energy would also be detrimentally affected.

In view of this, UAM must decline the AER's request to publish information relating to market sensitive cost inputs. This information is commercial in confidence and disclosure would indisputably:

- Remove independence in the tender process for future contract opportunities, severely compromising UAM's ability to compete
- Detrimentially impact the overall marketplace, where competitors will look to undercut pricing to obtain business, and most likely will be unable to deliver on their service requirements, or the quality of works performed will be negatively impacted.
- Result in an anti competitive market environment - should the market experience significant price destabilisation operators such as ourselves may be forced to withdraw from tendering, resulting in less competition and an eventual price increase for consumers.



Given this we cannot see the benefits of disclosure outweighing the long term detriment caused to UAM and request that all UAM pricing remain Commercial in Confidence.

Should you require any further information please contact Chris Clarkson, General Manager Central Region on 02 9542 4477.

Regards



*for*  
**Peter Collins**  
Executive General Manager

