



**ELECTRICITY INDUSTRY ACT 2000
APPLICATION FOR AN ELECTRICITY RETAIL LICENCE**

**Balance Commodities and Energy Pty Ltd
(ACN 623 247 003)**

RECORD OF DECISION

21 August 2019

SUMMARY

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (Industry Act) the Essential Services Commission (the commission) has granted Balance Commodities and Energy Pty Ltd (ACN 623 247 003) (**BCE**) a licence to sell electricity by retail to large customers in Victoria.

BACKGROUND

Requirement to obtain a Licence

Section 16(1) of the Industry Act provides that a person must not engage in the generation of electricity for supply or sale or the transmission, distribution, supply or sale of electricity, unless the person is:

- (a) the holder of a licence authorising the relevant activity; or
- (b) is exempted from the requirement to obtain a licence in respect of the relevant activity.

Entitlement to apply for a Licence

Section 18(1) of the Industry Act provides that a person may apply to the commission for a licence authorising the person to sell electricity.

The applicant

On 21 June 2019, BCE submitted an application to the commission for a licence authorising it to sell electricity to large customers in Victoria.

The application

Consistent with the requirements of the commission's 'Guidance Notes for Applications for Electricity Licences and the Transfer of Existing Electricity Licences', BCE provided the commission with comprehensive documentation supporting the application.

In particular, BCE presented information to provide assurance concerning its technical capacity.

On 10 July 2019, the commission published a copy of the application, and invited interested parties to make submissions in respect of the application.

The commission did not receive any submissions regarding the application.

CONSIDERATION OF THE APPLICATION

Section 19(1) of the Industry Act provides that the commission may grant or refuse the application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the *Industry Act* and the *Essential Services Commission Act 2001* (Vic) (Commission Act).

DECISION

The commission is satisfied that BCE has the technical capacity to comply with the conditions of the licence to be granted.

In accordance with Section 19(1) of the Industry Act, and having regard to its objectives under the Commission Act and the Industry Act, the commission has decided to grant BCE a licence to sell electricity to large customers in Victoria, subject to conditions specified in the licence. The authorisation granted by the licence does not permit the sale of electricity through the wholesale market.

**THE COMMON SEAL
of THE ESSENTIAL
SERVICES COMMISSION**
was affixed pursuant to the
authority of the Commission
on 22 August 2019

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Kate Symons
Acting Chairperson