



**ELECTRICITY INDUSTRY ACT 2000 AND GAS INDUSTRY ACT 2001
APPLICATIONS FOR ELECTRICITY AND GAS RETAIL LICENCES**

**GEE Power & Gas Pty Ltd
(ACN 636 908 220)**

RECORD OF DECISION

15 December 2021

SUMMARY

Pursuant to the provisions of section 19(1) of the Electricity Industry Act 2000 (Vic) (EI Act) and of section 26(1) of the Gas Industry Act 2001 (GI Act), the Essential Services Commission (the commission) has granted GEE Power & Gas Pty Ltd (ACN 636 908 220) (GEE) licences to sell electricity and gas by retail to medium business customers and large customers in Victoria.

BACKGROUND

Section 16(1) of the EI 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.

Section 22(2) of the GI Act contains an equivalent provision in relation to gas.

GEE is not exempted from the requirement to obtain a licence in respect of the relevant activities.

Section 18(1) of the EI Act and section 25(1) of the GI Act provide that a person may apply to the commission for a licence authorising the sale of electricity and gas by retail respectively.

THE APPLICATION

On 20 December 2019, GEE submitted applications to the commission for licences authorising it to sell electricity and gas by retail to domestic and small business customers in Victoria. GEE subsequently submitted an updated version of its licence application on or about 4 March 2021.

Consistent with the requirements of the commission's 'Guide to Applications for Electricity and Gas Industry Licences', GEE has provided the commission with information supporting the application.

In particular, GEE presented information to provide assurance concerning its technical capacity and its financial viability to undertake the relevant activities.

On 9 February 2021, the commission published a copy of the applications, and invited interested parties to make submissions in respect of the applications.

The commission did not receive any submissions regarding the applications.

DECISION

Section 19(1) of the EI Act and section 26(1) of the GI Act provide that the commission may grant or refuse an application for any reason it considers appropriate, having regard to the objectives of the commission under the provisions of the EI Act, the GI Act and the Essential Services Commission Act 2001 (Vic) (ESC Act).

The commission considered GEE's licence applications and the materials and information provided in support of the applications, noting that no submissions in respect of the application were received.

The commission proposed to GEE the option of a licence that was limited to authorising sale to medium business customers and large customers to address some concerns with its technical capacity to service small customers. GEE did not object to that limited authorisation.

The commission is satisfied that GEE:

- has the technical capacity to comply with the conditions of the licences to be granted;
- has the financial resources to carry out the licensed activities; and
- is a fit and proper person to hold licences to sell electricity and gas by retail in Victoria.

In accordance with section 19(1) of the EI Act and section 26(1) of the GI Act, and having regard to its objectives under the ESC Act and the EI Act and GI Act, the commission has decided to grant GEE licences to sell electricity and gas by retail to medium business customers and large customers in Victoria, subject to the conditions specified in the licences.

THE COMMON SEAL
of the ESSENTIAL
SERVICES COMMISSION
was affixed pursuant to the
authority of the Commission
on 16 December 2021

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Kate Symons
Chairperson