



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

**Enel Energy Australia Pty Ltd  
(ACN 632 774 255)**

**RECORD OF DECISION**

**24 November 2021**

## **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 Enel Energy Australia Pty Ltd (ACN 632 774 255) (Enel Energy) a licence to sell electricity by retail to large customers in Victoria.

## **BACKGROUND**

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.

Enel Energy is not exempted from the requirement to obtain a licence in respect of the relevant activity.

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 by retail.

## **THE APPLICATION**

On 15 October 2020, Enel Energy submitted an application to the commission for a licence authorising it to sell electricity by retail to large customers in Victoria. Enel Energy provided the commission with the required information in support of its application. Enel Energy subsequently submitted an updated version of the application on 17 September 2021 (the application).

On 6 October 2021, 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 Enel Energy:

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

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 Enel Energy a licence to sell electricity by retail in Victoria, subject to conditions specified in the licence.

### THE COMMON SEAL

of the **ESSENTIAL**

**SERVICES COMMISSION**

was affixed pursuant to the  
authority of the Commission  
on 25 November 2021

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A handwritten signature in blue ink, appearing to read "Kate Symons".

Kate Symons  
Chairperson