



**GAS INDUSTRY ACT 2001
APPLICATION FOR A GAS RETAIL LICENCE**

**Perpetual Energy Pty Ltd
(ACN 643 401 496)**

RECORD OF DECISION

2 April 2025

SUMMARY

Pursuant to section 26(1) of the Gas Industry Act 2001 (Vic) (GI Act), the Essential Services Commission (the commission) has granted Perpetual Energy Pty Ltd (ACN 643 401 496) (Perpetual Energy) a licence to sell gas by retail to customers in Victoria.

BACKGROUND

Requirement to obtain a Licence

Section 22(1) of the GI Act provides that a person must not engage in the sale of gas by retail, either as principal or agent, unless the person:

- (a) is the holder of a licence authorising the sale of gas by retail;
- (b) is exempt from the requirement to obtain a licence in respect of the sale of gas by retail because of an Order under section 24; or
- (c) is the holder of a trial waiver in respect of the sale of gas by retail.

Perpetual Energy is not exempted from the requirement to obtain a licence in respect of the sale of gas by retail.

Entitlement to apply for a Licence

Section 25(1)(b) of the GI Act provides that a person may apply to the commission for a licence authorising the person to sell gas by retail.

The application

On 31 October 2024, Perpetual Energy submitted an application to the commission for a licence authorising it to sell gas by retail to customers in Victoria. Perpetual Energy's primary market is for commercial and industrial customers consuming between 1TJ and 10TJ of gas per annum, with the possibility of some customers sites falling into the small customer category.

Consistent with the commission's 'Guideline: Applications for electricity and gas industry licences', Perpetual Energy has provided the commission with documentation supporting the application.

In particular, Perpetual Energy presented information that demonstrates it has the technical capacity and financial viability to undertake the relevant activity.

On 22 January 2025, the commission published a copy of the application and invited interested parties to make submissions in respect of the application.

The commission received two non-confidential submissions regarding the application.

CONSIDERATION OF THE APPLICATION

Section 26(1) of the GI 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 GI Act and the Essential Services Commission Act 2001 (Vic) (ESC Act).

DECISION

The commission is satisfied that Perpetual Energy:

- has the technical capacity to comply with the conditions of the licence to be granted;
- is financially viable to carry out the activities that would be authorised by the licence to be granted; and
- is a fit and proper person to hold a licence to sell gas by retail in Victoria.

In accordance with section 26(1) of the GI Act, and having regard to its objectives under the ESC Act and the GI Act, the commission has decided to grant Perpetual Energy a licence to sell gas by retail in Victoria, subject to conditions specified in the licence. This Licence specifically prohibits Perpetual Energy from selling gas to residential customers.

**THE COMMON SEAL
of the ESSENTIAL
SERVICES COMMISSION**
was affixed pursuant to the
authority of the Commission
on 4 April 2025

A handwritten signature in black ink, which appears to read "Gerard Brody".

Gerard Brody
Chairperson