



ESSENTIAL SERVICES COMMISSION

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

**Amber Electric Pty Ltd
(ACN 623 603 805)**

RECORD OF DECISION

16 June 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 Amber Electric Pty Ltd (ACN 623 603 805) (Amber Electric) (**ER03-2021**) a licence to sell electricity by retail to 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.

Amber Electric is not 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 by retail.

The applicant

On 27 May 2020, Amber Electric submitted an application to the commission for a licence authorising it to sell electricity by retail to customers in Victoria. Amber Electric subsequently submitted an updated version of the application on 26 October 2020.

The application

Amber Electric has provided the commission with comprehensive documentation supporting the application.

In particular, Amber Electric presented information to provide assurance concerning its technical capacity and its financial viability to undertake the relevant activity.

On 15 April 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 Amber Electric:

- 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 Amber Electric 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 16 June 2021

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Kate Symons
Chairperson

