



Australian
Competition &
Consumer
Commission

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SC

Our Ref: C2006/1708
Contact Officer: Sharon Clancy
Contact Phone: (02) 6243 1217

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

2 November 2006

Mr Jim Chisholm
Executive General Manager
Corporate and Business Development
Ergon Energy
PO BOX 308
Rockhampton Qld 4700

Dear Mr Chisholm

Applications for authorisation A91009 and A91010 lodged by Tarong Energy Corporation Limited, New Hope Corporation Limited and New Acland Coal Pty Ltd

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of applications for authorisation A91009 and A91010 lodged by Tarong Energy Corporation Limited on 25 August 2006. On 20 October 2006 New Hope Corporation Limited and New Acland Coal Pty Ltd were joined as applicants to the two applications.

A copy of the ACCC's draft determination is attached. A copy of the draft determination will be available on the ACCC's website at www.accc.gov.au (follow the public registers link to the authorisations public register).

For the reasons set out in its draft determination, the ACCC proposes to grant the authorisation until 31 December 2035.

Next steps

Once the ACCC issues a draft determination, the applicant or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination.

Under the *Trade Practices Act 1974*, the ACCC must set a date within 14 days of which any pre-decision conference must be requested. Accordingly, if you wish the ACCC to hold a



pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **close of business 16 November 2006**. Conferences are conducted informally, without the participation of legal or other professional advisers.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **close of business 24 November 2006** at the following address:

The General Manager
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199
DICKSON ACT 2602

Submissions can also be lodged by e-mail to adjudication@acc.gov.au or by facsimile on (02) 6243 1211.

Any submission you make will be placed on the ACCC's public register. You may request that information you provide in a submission to the ACCC be excluded from the public register. Information excluded from the public register will still be considered by the ACCC when reaching its decision. Guidelines for claiming information be excluded from the public register are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-determination conference be called, and will then release a final determination in relation to these applications.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sharon Clancy on (02) 6243 1217.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a large, sweeping flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch