



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2006/1708  
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2 November 2006

Mr John Saunders  
Partner  
Shand Taylor Lawyers  
GPO Box 2486  
Brisbane QLD 4001

Dear Mr Saunders

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

I understand that you act for InterCOAL Limited. The purpose of this letter is to seek your comments as a potentially interested party in relation to two applications for authorisation (A91009 and A91010) received by the Australian Competition and Consumer Commission (ACCC).

The applications were lodged by Tarong Energy Corporation Limited (Tarong) on 25 August 2006. On 20 October 2006 New Hope Corporation Limited (New Hope) and New Acland Coal Pty Ltd (New Acland) were joined as applicants to the applications. The applications concern a coal supply agreement between Tarong, New Hope Corporation Limited and New Acland (the Agreement).

Under the Agreement, Tarong has been granted an option to buy 5.7 million tonnes of coal annually from the New Acland coal mine for 25 years. The Agreement limits the quantity of coal that New Acland can sell from the New Acland coal mine each year to parties other than Tarong and imposes restrictions on Tarong's ability to on-sell coal to third parties.

The ACCC has issued the enclosed draft determination in respect of applications A91009 and A91010. A copy of the draft determination will be available on the ACCC's website at [www.accc.gov.au](http://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

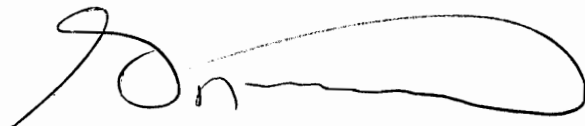
Submissions can also be lodged by e-mail to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) or by facsimile on (02) 6243 1211.

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



Scott Gregson  
General Manager  
Adjudication Branch