



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/1626
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16 November 2006

Ms Louise Dwyer
Group Manager Regulatory Affairs
ENERGEX Limited
GPO Box 1461
Brisbane QLD 4001

Dear Ms Dwyer

Application for authorisation A50027 lodged by CS Energy Limited (CS Energy) and Callide Power Management Pty Ltd (CPM) – Determination

The Australian Competition and Consumer Commission (ACCC) has issued a determination (attached) granting authorisation in respect of the application for authorisation lodged by CS Energy and CPM. The application concerns CS Energy and CPM jointly negotiating a price review with Anglo Coal. The ACCC has granted authorisation for a period of five years.

Having considered all the information before it, the ACCC is of the view that the public benefit likely to be generated by the proposed joint negotiation will outweigh any anti-competitive detriment arising from the arrangement.

The ACCC notes that authorisation does not extend to and should not be interpreted as the ACCC granting authorisation to the pre-existing 1998 coal supply agreements CS Energy and CPM have with Anglo Coal.

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

Application for review


Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 6 December 2006. If no application for review is lodged by this date, the ACCC's determination will come into force on 7 December 2006.



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 Woodrow Inman on (02) 6243 1088.

Yours sincerely



 Scott Gregson
General Manager
Adjudication Branch