



Australian
Competition &
Consumer
Commission

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20 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 – pre-decision conference

International Gold Mining Limited (previously InterCOAL Limited) has requested that the Australian Competition and Consumer Commission (the ACCC) convene a conference in relation to the draft determination issued by the ACCC on 2 November 2006 proposing to grant authorisation A91009 and A91010.

The draft determination follows applications by Tarong Energy Corporation Limited (Tarong), New Hope Corporation Limited (New Hope) and New Acland Coal Pty Ltd (New Acland) for authorisation of a coal supply agreement between Tarong, New Hope and New Acland (the Agreement). The Agreement limits the quantity of coal that new Acland can sell each year from the New Acland mine to parties other than Tarong and also imposes restrictions on Tarong's ability to o-sell coal purchased under the Agreement to third parties (together referred to as 'the restrictions'). The ACCC concluded in its draft determination that it was satisfied that the public benefit flowing from the restrictions was likely to outweigh any anti-competitive detriment and proposed to grant authorisation to the restrictions. A copy of the application and draft determination can be found on the ACCC's website <www.accc.gov.au>.

A pre-determination conference provides a valuable opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference on 27 November 2006 at the ACCC's Brisbane office which is located at Level 3, AAMI Building, 500 Queen Street, Brisbane. The conference will commence at 9 am. ACCC Commissioner Ed Willett will chair the conference.



Under the *Trade Practices Act 1974* (the Act), the conference may be attended by the applicant and other interested parties. If you wish to attend, you must notify the ACCC of your intention by **cob 22 November 2006** and briefly indicate why you or your company or organisation has an interest in the matter. Notifications must be in writing and addressed to:

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

You can also notify the ACCC by e-mail to: adjudication@accc.gov.au or by facsimile on (02) 6243 1211.

You should provide details of a contact name, telephone number, mailing address and, if possible, a facsimile number or e-mail address so that you can be notified of any late changes to conference arrangements.

If you represent a company or organisation you should also provide a list of attendees and their position titles, and indicate who will be the chief spokesperson.

I would also note that, while conference participants may bring outside legal or other professional advisers to assist them, the Act prohibits these advisers from participating in conference discussions.

Attached for your information are procedures usually followed at pre-decision conferences.

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference or wish to clarify whether you may be considered an 'interested person' within the terms of the Act, please do not hesitate to contact Sharon Clancy on (02) 6243 1217.

Yours sincerely


Dr Scott Gregson
General Manager
Adjudication Branch