



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/1862
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23 February 2009

Professor Stephen Corones
Consultant
DLA Phillips Fox
Waterfront Place
1 Eagle Street
Brisbane QLD 4000

Dear Professor Corones

**Anglo Coal Australia Pty Ltd and Others Application for authorisation A91107-
A91109 - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Anglo Coal Australia Pty Ltd and Others on 14 November 2008.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to deny authorisation to the arrangements. The ACCC's assessment is set out in Chapter 6 of the draft determination.

Next steps

Once the ACCC issues a draft determination, the applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference is a public meeting which provides the opportunity for all interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

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 **10 March 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **10 March 2009**.

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

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

14 November 2008	Lodgement of application and supporting submission.
10 December 2008	ACCC decision regarding interim authorisation.
23 February 2009	Draft determination.
February/March 2009	Public consultation on draft determination including any conference if called.
March/April 2009	Final determination.

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 Clare McGinness on (02) 6243 1049.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch