



Australian
Competition &
Consumer
Commission

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3 December 2009

Andrew Christopher & Georgina Fraser
Partner
Baker & McKenzie

EMAIL: andrew.christopher@bakernet.com, georgina.foster@bakernet.com

Dear Mr Christopher & Ms Foster

**Authorisation applications A91198 & A91199 lodged by the NSW Treasurer for
and on behalf of Macquarie Generation, Delta Electricity and
Eraring Energy**

I refer to the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 27 November 2009.

I have considered the request that the following be excluded from the ACCC's public register:

- the estimated level of firm capacity under the co-insurance arrangement set out on page 19 of the supporting submission
- the draft of the Compensation Deed
- the draft of the term sheet for the Compensation Deed and
- the covering letter requesting exclusion from the public register.

As you are aware, the ACCC is generally required under section 89 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to applications for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the draft Compensation Deed, draft term sheet, estimated level of firm capacity and the covering letter requesting exclusion will not be placed on the public register.

This letter has been placed on the ACCC's public register.

I note that you also provided a public version of your clients' supporting submission. This version will be placed on the public register in the form it was provided to the ACCC.

If you wish to discuss any aspect of this matter, please contact Gavin Jones on (03) 9290 1475 (gavin.jones@acc.gov.au) or Simon Mitchell on (03) 9290 6909 (simon.mitchell@acc.gov.au).

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch