



**Australian
Competition &
Consumer
Commission**

Our Ref: A91147-A91149
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8 July 2009

Mr Dave Poddar
Partner
Mallesons Stephen Jaques
Level 61, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

*Via email: dave.poddar@mallesons.com
lcarver@gtlaw.com.au
peter.armitage@blakedawson.com*

Dear Mr Poddar

Re: PWCS, NCIG and NPC applications for authorisation of the proposed Capacity Framework Arrangements - interested party submissions

I refer to the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 June 2009 and the ACCC's letter of 3 July 2009 seeking further information in relation to the applications.

As you are aware, on 1 July 2009 the ACCC wrote to interested parties seeking submissions on the application, including the request for interim authorisation. The ACCC requested that submissions on the request for interim authorisation be provided by 12 noon, 8 July 2009. At this time, I foreshadowed that interested parties may need additional time to consider the request for interim authorisation.

At this stage, the ACCC has received public submissions from the following interested parties:

- Coal and Allied Industries Limited
- Xstrata
- Gloucester Coal Ltd
- Bloomfield Collieries Group of Companies

A copy of each of these submissions is attached. All publicly available submissions will also be available on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

At this stage, two other interested parties have requested additional time to make a submission given the complexity of the issues, and I expect to receive these submissions by cob Friday, 10 July 2009. Subject to any requests for exclusion from the public register, I will provide copies of these and any other additional submissions as soon as possible following receipt.

Should the Applicants wish to comment on any of the issues raised in interested party submissions, please do so by **12 noon Wednesday, 15 July 2009**.

Regarding the ACCC's information request of 3 July 2009, it would be greatly appreciated if you could arrange for the Applicants' response to be provided to the ACCC by **cob Friday, 10 July 2009**.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Jaime Martin on (03) 9290 1477 (Jaime.martin@acc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch