



Australian
Competition &
Consumer
Commission

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111

fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2009/1251-02
Contact Officer: Jaime Martin
Contact Phone: (03) 9290 1477

30 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

**Applications for authorisation A91147-A91149 & A91168-A91169 lodged by PWCS,
NCIG and NPC – interested party submissions**

As you would recall, on 1 July 2009 the ACCC wrote to interested parties seeking submissions in relation to applications for authorisation A91147-A91149 in relation to the proposed Capacity Framework Arrangements. The ACCC requested submissions in relation to the substantive applications be provided by 24 July 2009.

To date, the ACCC has received public submissions from the following interested parties:

- ARTC
- Felix Resources
- Gloucester Coal

A copy of each of these submissions is attached. All publicly available submissions are also posted on the ACCC internet site at www.accc.gov.au/AuthorisationsRegister.

If you wish to comment on the submissions, please do so by **cob Friday, 14 August 2009**. In particular, the ACCC would be interested in the Applicants' response to the concerns raised in relation to contractual alignment.

As previously advised, the ACCC is still expecting to receive a few further submissions from interested parties. A copy of additional public submissions received will be forwarded to you as soon as they are processed.

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 Jaime Martin on (03) 9290 1477 (jaimemartin@acc.gov.au).

Yours sincerely



David Hatfield
Director
Adjudication Branch