



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/1251-02
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Mr Dave Poddar
Partner
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1 Farrer Place
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***Via email: dave.poddar@mallesons.com; lcarver@gtlaw.com.au;
peter.armitage@blakedawson.com***

Dear Mr Poddar

**PWCS, NCIG and NPC applications for authorisation (A91147 – A91149 and A91168-
A91169) — interim authorisation revoked**

I refer to the Australian Competition and Consumer Commission's (the ACCC) interim authorisation decisions of 22 and 29 July 2009 in relation to the above mentioned applications for authorisation.

In particular, the ACCC granted interim authorisation to the Capacity Framework Arrangements (except for section 11 of Part B) on condition that the Applicants execute their respective Capacity Framework Documents by 31 August 2009.

On 31 August 2009 you advised that one party failed to execute the relevant Capacity Framework Documents.

Accordingly, the ACCC has decided to revoke interim authorisation of the Capacity Framework Documents, effective immediately.

I note that it is open for the Applicants to continue to seek to negotiate any outstanding issues and to request interim authorisation again in the event that all of the Capacity Framework Documents are executed in the future.

Further, I note that the Applicants foreshadowed the possibility of varying the current arrangements if all of the parties failed to execute the Capacity Framework Documents by the deadline. This could involve some of the parties lodging a new application for authorisation with the ACCC.

While the ACCC considers an industry wide agreement is likely to be the most effective way to achieve a long term solution, it may be that the bulk of the benefits could still be achieved in another way.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact me on (02) 6243 1266 (david.hatfield@acc.gov.au) or Jaime Martin on (03) 9290 1477 (jaimemartin@acc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield
A/g General Manager
Adjudication Branch