



**Australian
Competition &
Consumer
Commission**

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20 May 2010

Andrew Christopher & Georgina Foster
Partner
Baker & McKenzie

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

Dear Mr Christopher & Ms Foster

**Authorisation applications A91198 – A91199 lodged by Macquarie Generation,
Delta Electricity and Eraring Energy (Macquarie Generation and Ors) –
final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by Macquarie Generation and Ors on 27 November 2009.

For the reasons set out in the determination, the ACCC denies authorisation to Macquarie Generation and Ors and the future acquirers of the Gentrader bundles to make and give effect to the proposed co-insurance arrangement.

A copy of the ACCC's determination is attached. The ACCC's assessment of the proposed arrangement is set out in Chapter 4.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 10 June 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the Tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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