



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2009/1944  
Contact Officer: Simon Mitchell  
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20 May 2010

*By email*

Dear Sir/Madam

**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 Simon Mitchell on (03) 9290 6909 or ([simon.mitchell@acc.gov.au](mailto:simon.mitchell@acc.gov.au)).

Yours sincerely

A handwritten signature in black ink, appearing to be 'GJ', written over a light grey rectangular background.

Gavin Jones  
Director  
Adjudication Branch

**Applications for authorisation A91198 – A91199**  
**Final determination**  
**Interested Parties List 20 May 2010**

AGL  
APA Group  
Australian Energy Market Commission (AEMC)  
Australian Energy Market Operator (AEMO)  
Australian Financial Markets Association  
Babcock & Brown Power (BBP)  
CHOICE  
Consumer Action Law Centre  
Consumer Utilities Advocacy Centre  
CS Energy  
D-cypha  
Department of Resources, Energy and Tourism (Cth)  
Energex  
Energy Australia  
Energy Markets Reform Forum  
Energy Networks Association (ENA)  
Energy One  
Energy Users Association of Australia (EUAA)  
Envestra  
Epic Energy  
Ergon Energy  
ERM Power  
Hydro Tasmania  
Independent Regulatory and Pricing Tribunal of NSW (IPART)  
Infratil Energy  
Institute of Public Affairs  
Integral Energy  
InterGen  
International Power  
Jemena  
Loy Yang Power  
Loy Yang Marketing Management Company  
Major Energy Users, Inc  
National Generators Forum  
Origin Energy  
Pacific Hydro  
Santos  
Seed Advisory  
Snowy Hydro  
SP AusNet  
Stanwell Corporation  
Tarong Energy  
TRUenergy  
Victoria Electricity