



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91311
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16 August 2012

Dave Poddar
Partner
Allen & Overy
Level 25
85 Castlereagh Street
Sydney NSW 2000

Via email: dave.poddar@allenoverly.com; stefanie.benson@allenoverly.com

Dear Mr Poddar

**Cockatoo Coal Limited and Stanmore Coal Limited Application for authorisation
A91311 – draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Cockatoo Coal Limited and Stanmore Coal Limited (the Applicants) on 23 May 2012.

Draft determination

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 22 years, commencing from the date the ACCC's final determination comes into effect.

Next steps

As you are aware, the Applicants or any interested party are now invited to make a written submission in response to the ACCC's draft determination, including in regard to the proposed duration of authorisation. Submissions should be lodged by **Friday, 31 August 2012**.

Submissions will be placed on the ACCC's public register subject to any request for exclusion.

Alternatively, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **30 August 2012**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

23 May 2012	Lodgement of application and supporting submission, including request for interim authorisation.
31 May 2012	Public consultation process begins.
20 June 2012	ACCC decision regarding interim authorisation.
August 2012	Draft determination.
August/September 2012	Public consultation on draft determination including any conference if called.
September/October 2012	Final determination.

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 (or at jaime.martin@accc.gov.au) or David Hatfield on (03) 9290 1477 (or at david.hatfield@accc.gov.au).

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch