

Our Ref: 51602  
Contact Officer: Hannah Ransom  
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**Australian  
Competition &  
Consumer  
Commission**

26 June 2013

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## **By email**

Dear Sir/Madam

### **CS Energy Limited & Ors application for authorisation [A91378] - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from CS Energy Limited and others. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Power generators CS Energy, Callide Energy, InterGen, and Callide Power Management (the Applicants) have sought authorisation to jointly re-negotiate existing coal supply arrangements with Anglo Coal.

The Applicants submit the new supply arrangements may take the form of a variation to existing agreements or new agreements, and the negotiations may extend to both price terms and supply conditions.

A full copy of the application for authorisation is available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>. Alternatively, you can contact Hannah Ransom on (02) 6243 1255 to obtain a hard copy of the application and submission.

## **Interim authorisation**

The Applicants have requested interim authorisation to commence joint negotiations.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if

the ACCC should later deny authorisation.

### **Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to the Applicants' application for authorisation, please do so by **18 July 2013**. Submissions in relation to interim authorisation should be provided by **4 July 2013**.

Alternatively, if you would like to provide comments orally, please contact Hannah Ransom on (02) 6243 1255 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

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

<b>20 June 2013</b>	Lodgement of application and supporting submission.
<b>26 June 2013</b>	Public consultation process begins.
<b>4 July 2013</b>	Closing date for submissions on interim authorisation.
<b>July 2013</b>	ACCC decision regarding interim authorisation.
<b>18 July 2013</b>	Closing date for submissions from interested parties.
<b>July/August 2013</b>	Applicant responds to issues raised in the public consultation process.
<b>September/October</b>	Draft determination.
<b>September/October</b>	Public consultation on draft determination including any conference if called.
<b>October/November</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Hannah Ransom on (02) 6243 1255.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Dr Richard Chadwick  
General Manager  
Adjudication Branch

### **List of interested parties consulted**

AGL Electricity Pty Ltd

Alinta Sales Pty Ltd

Anglo Coal

BHP Billiton

Delta Electricity

ENERGEX Limited

Energy Australia

Energy Supply Association of Australia

Ergon Energy Pty Ltd

Macquarie Generation

Minerals Council of Australia

NRG Gladstone Operating Services

Origin Energy Australia

Peabody Energy

Powerlink Queensland

Qld Department of Natural Resources and Mines

Queensland Department of Energy and Water Supply

Queensland Resources Council

Rio Tinto Coal

Stanwell Corporation Limited

Vale Australia

Xstrata Coal Qld