



**Australian
Competition &
Consumer
Commission**

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6 March 2014

Mr Matthew Bull
Partner
Herbert Smith Freehills

By email: Matthew.Bull@hsf.com

Dear Mr Bull

RG Tanna Coal Export Terminal Producers application for authorisation A91405 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the RG Tanna Coal Export Terminal Producers (the Applicants) on 10 January 2014.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 15 years. The ACCC has also varied the existing interim authorisation to allow the Applicants to collectively negotiate with GPC and enter into agreements, provided however that the Applicants do not give effect to any such agreement.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **21 March 2014**.

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 **21 March 2014**.

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 this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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.

Indicative date	Stage in assessment process
10 January 2014	Lodgement of application and supporting submission.
16 January 2014	Public consultation process begins.
6 February 2014	ACCC decision regarding interim authorisation.
6 March 2014	Draft determination.
March 2014	Public consultation on draft determination including any conference if called.
April 2014	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 Tess Macrae on (03) 9290 1835.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch