



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: 58675  
Contact Officer: John Rouw  
Contact Phone: 03 9290 1402

9 December 2015

Dear Sir/Madam

**Re: Rio Tinto Aluminium Ltd and others (Gladstone power station joint venture) – authorisations A91205 to A91207 – consultation on application for minor variation**

The Australian Competition and Consumer Commission (the ACCC) has received an application to vary authorisations previously granted to Rio Tinto Aluminium Ltd (RTA), as manager of the Gladstone power station joint venture, and the other joint venture participants. The ACCC invites you to comment on the application.

Please see the ACCC's publication [Authorisation process – the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

On 2 June 2010 the ACCC granted conditional authorisations to RTA and the other joint venture participants for amendments to agreements relating to electricity generated by the Gladstone power station and supplied to the Boyne Island aluminium smelter and the National Electricity Market. The ACCC authorised the unamended agreements in 1994.

**Proposed minor variation**

On 5 November 2015 RTA applied (for itself and on behalf of the other joint venture participants) for a minor variation to the authorisations. The application principally relates to a revised fee structure for paying the power station's operator, NRG Gladstone Operating Services Pty Ltd (NRGGOS), beyond the agreement's current term. RTA and the other joint venture participants propose to amend the schedule of the Operation and Maintenance Agreement with NRGGOS that sets out the fees the JV participants pay to NRGGOS.

For further information on the application, please see the attached submission from the applicant.

**Request for submissions**

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

If you intend to provide a submission, please do so by **13 January 2016**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91205-7 – Rio Tinto Aluminium – submission".

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

<b>5 November 2015</b>	Application and supporting submission lodged.
<b>10 December 2015</b>	Public consultation begins.
<b>13 January 2016</b>	Closing date for submissions.
<b>January 2016</b>	Applicant responds to issues raised in the public consultation process, if any.
<b>February 2016</b>	Determination.

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

This letter has been placed on the ACCC's public register. If you wish to discuss this matter please contact John Rouw on 03 9290 1402 or through [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Lyn Camilleri  
Director  
Adjudication

## Addressees

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1	AGL
2	Alcoa Australia
3	Alinta Energy
4	Arrow Energy
5	Australian Energy Market Commission
6	Australian Energy Market Operator
7	Australian Government Department of Industry
8	QGC
9	CS Energy
10	Energy Developments
11	Energy Supply Association of Australia
12	Ergon Energy
13	ERM Power
14	Essential Energy
15	CSR
16	Intergen
17	Mackay Sugar Coop
18	Major Energy Users
19	Mitsui & Co (Australia)
20	National Power
21	Origin Energy
22	Queensland Alumina
23	Queensland Competition Authority
24	Queensland Department of Energy
25	Ratch Australia
26	Rusal
27	Santos
28	Stanwell