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17/03/2016

By email

Dear Sir / Madam

CS Energy Limited & Ors Application for authorisation A91529—draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by CS Energy Limited & Ors (the Applicants) on 18 February 2016.

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.

The Applicants are seeking authorisation to jointly negotiate with Batchfire Resources Pty Ltd the terms and conditions (including price) of coal to be supplied to the Callide B and Callide C power stations in Queensland.

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 ten years.

Interim authorisation

The ACCC has also decided to grant interim authorisation in respect of the application for authorisation. The ACCC's reasons for granting interim authorisation are set out in the draft determination.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

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 **7 April 2016**. "Submissions should be emailed to adjudication@acc.gov.au with the subject "A91529 – CS Energy Limited & Ors – submission".

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 **31 March 2016**.

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.

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
18 February 2016	Lodgement of application and supporting submission.
17 March 2016	ACCC decision regarding interim authorisation.
17 March 2016	Draft determination.
March/April 2016	Public consultation on draft determination including any conference if called.
April/May 2016	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 Luke Griffin on 02 6243 1114 or at adjucication@acc.gov.au.

Yours sincerely



Darrell Channing
Director
Adjudication Branch