



Our ref: A40062-A40070 and A91205-A91207
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Dear Interested Party

Gladstone Power Station Joint Venture – Application for minor variation of authorisations A40062-A40070 & A91205-A91207 – Interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) has received an application for minor variation of authorisations A40062-A40070 and A91205-A91207 from the Rio Tinto Aluminium Limited (**Rio Tinto**), on behalf of itself and the other participants in the Gladstone Power Joint Venture. The ACCC invites you to comment on the application.

Authorisations A40062-A40070 was granted on 3 March 1994 to certain agreements in relation to electricity generated by the Gladstone Power Station and supplied to the Boyne Island Aluminium Smelter. Authorisation A40062-A40070 was granted without specifying an express expiry date.

Authorisations A91205-A91207 was granted, with conditions, on 2 June 2010. The authorisations were granted until 29 March 2029 and it authorises various amendments to certain of the Gladstone Power Joint Venture Agreements in relation to electricity generated by the Gladstone Power Station and either supplied to the Boyne Island Aluminium Smelter and the National Electricity Market (**NEM**).

Proposed minor variation to authorisations A40062-A40070 & A91205-A91207

This application for minor variation is sought to authorise further amendments to the Restated Operation and Maintenance Agreement (the **OMA**) that appoints NRG Gladstone Operating Services Pty Limited (**NRGGOS**) to operate and maintain the Gladstone Power Station on a day-to-day basis. The proposed amendments to the OMA reflect changes in commercial arrangements (including extension periods, payment terms, liability caps), removal of obligations under previous carbon reduction/emissions laws and policies which have now ceased effect, and other minor drafting amendments.

Making a submission

The ACCC invites you to make a submission to assist with its assessment of Rio Tinto's application for minor variation of these authorisations. In making your submission, please provide information, evidence and views about the likely effect of the proposed variations on the net public benefit resulting from the current authorised conduct.

If you intend to provide a submission, please do so by **26 January 2024**. If you wish to make a submission but cannot before the above submission deadline, please contact Jack Foley with the contact details at the end of this letter.

Submissions should be lodged via the web form accessible on the public register page for this matter.

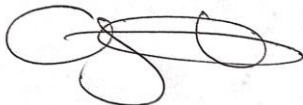
Your submission will be placed on the ACCC's authorisations [public register](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register](#) for more information on how to make a request and how we assess requests).

Timing

The ACCC will progress its assessment of the application in a timely manner and anticipates issuing a determination in early February 2024.

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 me Jack Foley on 07 3811 9294 or by email exemptions@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke, positioned above the typed name.

Tony Hilton
Director
Competition Exemptions