

CMS GENERATION HOLDINGS LIMITED ARBN 078 377 572, HORIZON ENERGY HOLDINGS LIMITED ARBN 078 377 527, NRG GENERATING HOLDINGS (No 4) BV ARBN 073 074 530, HORIZON ENERGY INVESTMENT (No 2) PTY LTD ACN 078 121 187, LOY YANG POWER MANAGEMENT PTY LTD ACN 077 985 758 AND LOY YANG MARKETING COMPANY PTY LTD ACN 105 758 316 ('the applicants').

ELECTRICITY GENERATION LICENCE APPLICATION

The applicants have applied for a licence under the provisions of the *Electricity Industry Act 2000* to generate electricity in Victoria from the Loy Yang A Power Station.

The application follows the decision of 19 December 2003 in the Federal Court of Australia in the matter of *Australian Gas Light Company v Australian Competition and Consumer Commission* [2003] FCA 1525.

The *Electricity Industry Act 2000* provides that the Commission may grant or refuse a licence for any reason it considers appropriate having regard to the Commission's objectives under the *Electricity Industry Act 2000* and the *Essential Services Commission Act 2001* and must not grant an application for the issue of a generation licence unless the Commission is satisfied that the applicant has the technical capacity to comply with the conditions of licence.

Interested parties are invited to make submissions to the Commission concerning the application received from the applicants. Submissions must be relevant to the matters upon which the Commission must satisfy itself and the Commission's objectives under the *Electricity Industry Act 2000* and the *Essential Services Commission Act 2001*.

Submissions should be addressed to:

Richard Bunting
Manager Licensing
Essential Services Commission
Level 2, 35 Spring Street
MELBOURNE VICTORIA 3000

or forwarded by way of e-mail to richard.bunting@esc.vic.gov.au by the close of business on **Friday 23 January 2004**.

All submissions will be published on the Commission's website, however, if you so desire, please nominate any relevant section that should be withheld from publication on the grounds of being commercial and in confidence.