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28 October 2014

Not confidential

By email:

Mr Geoffrey Gleeson
Director Operations 1
Australian Anti-Dumping Commission
5th Floor, Customs House
5 Constitution Avenue
Canberra ACT 2601

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Dear Mr Gleeson

Anti-dumping investigation - power transformers from Indonesia

Thank you for your letter dated 27 October 2014 in relation to our client, PT CG Power Systems Indonesia (**CG Power**).

We acknowledge, with disappointment, the Commission's decision not to meet with our client to allow it to assist the Commission by explaining to the Commission the data already submitted, and how to reconcile it.

In your letter you have suggested that that our client has had ample opportunity to satisfy the Commission with respect to its information needs in this investigation, and that in your view it has not done so satisfactorily.

Our client's offer to meet with the Commission to explain the data it had submitted was recently reiterated, as you have recorded, on 30 September 2014 and in early October 2014. However, we respectfully note again that our client would have been in a position to meet with the Commission and to explain the data:

- at least as early as February 2014, if the Commission had responded to our email of 5 February 2014, by letting our client know what concerns it had at that stage about the information submitted by our client. Instead, despite repeated requests, those concerns were first explained (and then, without any detail) in the Commission's letter to us of 14 August 2014; and
- as early as March 2014, if the Commission had responded at all to our letter of 14 March 2014. In that letter we requested that the Commission let us know if it considered that the information provided by our client was not "relevant", or whether the Commission considered that there was some other data that was more relevant. Instead we received no response at all to that request (which was

subsequently repeated), and instead learned from the Statement of Essential Facts published on 18 September 2014 that the Commission had, without explanation, decided to calculate a dumping margin using estimated data submitted by the applicant, and not to use any of the data submitted by our client.

Of course our client has also been willing at all times to have its information verified by the Commission.

Against that background, we respectfully submit that the Commission has in fact not provided our client with a fair opportunity to satisfy the Commission with respect to its information needs. The Commission's silence for extended periods, despite there being ample time to engage with our client, has resulted in our client being materially disadvantaged in the investigation.

Our client's rights in that regard are reserved.

Yours faithfully
Corrs Chambers Westgarth



Andrew Korbelt
Partner

Andrew Percival
Special Counsel