



AUSTRALIAN RAIL TRACK CORPORATION LTD

15 January 2009

Mr D Salisbury
General Manager - Transport
Regulatory Affairs Division ACCC
GPO Box 520
MELBOURNE VIC 3001

BY FAX: (03) 9663 3699

Dear Mr Salisbury

**APPLICATION FOR VARIATION OF ARTC INTERSTATE ACCESS
UNDERTAKING**

I refer to the application submitted by ARTC on 9 October 2008 to vary the 2008 Interstate Rail Access Undertaking (the Undertaking), and also to the draft decision published by the ACCC in relation to that application.

It is the view of ARTC that submissions by some operators are misguided in terms of the impact of the proposed changes, and that the purpose and effect are misunderstood.

ARTC considers that the issues raised by the operators and the ACCC can be addressed by additional wording clarifying the operation of the clause.

ARTC will consult with operators about amended wording and, following consultation, intends to submit a new application in the near future.

In the circumstances, ARTC advises that it withdraws the application submitted on 9 October 2008.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'S Ormsby', is written over the name 'Simon Ormsby'.

Simon Ormsby
General Manager – Commercial