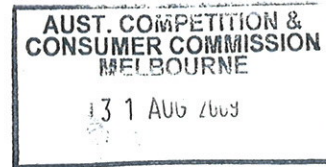




# RailCorp

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24 August 2009

Mr Anthony Wing  
General Manager  
Transport & General Prices Oversight  
ACCC  
GPO Box 520  
MELBOURNE VIC 3001

Dear Sir

## **GrainCorp Operations Limited Port Terminal Services Access Undertaking**

The following comments have been prepared by RailCorp in response to the ACCC's request for submissions on its draft decision not to accept the Undertaking prepared by GrainCorp.

There is no confidential information contained in the following comments and therefore this letter may be considered a public document.

RailCorp's interface with GrainCorp is limited to that of a rail infrastructure owner providing access to third party rail operators who in turn are providing transport services to Port Kembla. Given this limited role RailCorp does not propose to make detailed comments on either GrainCorp's proposed Access Undertaking or the draft decision by the ACCC.

However RailCorp has noted that both the proposed Access Undertaking and the Port Terminal Services Protocol indicate GrainCorp will be seeking some form of confirmation that a Terminal Services Access Seeker has sufficient rail and/or road transport capacity. In the event that the Terminal Services Access Seeker has a track access agreement with RailCorp there would be no general objection by RailCorp of the Access Seeker providing appropriate evidence of this agreement to GrainCorp. If the Access Seeker has in fact contacted with a rail operator RailCorp would have no general objection to the rail operator providing evidence that it hold a track access agreement with RailCorp.

In both circumstances RailCorp would expect the holder of the track access agreement to comply with the confidentiality requirements and processes as set out in the track access agreement.

Yours sincerely

**GARY PEDERSEN**  
Group General Manager  
Finance & Corporate Services

