



**AUSTRALIAN RAIL TRACK CORPORATION LTD**

Ref No:

2 June 2011

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

**Australian Rail Track Corporation Limited  
Hunter Valley Coal Network Access Undertaking - Request to 'stop  
the clock'**

Dear Mr Wing,

ARTC refers to the Hunter Valley Coal Network Access Undertaking submitted to the Commission for consideration on 7 September 2010 ("**2010 HVAU**").

The Commission has advised ARTC that the statutory timeframe for assessment of the 2010 HVAU is due to expire on 14 April 2011 ("**Current Expiry Date**") and ARTC understands that, if the ACCC has not published a final decision by that date, the 2010 HVAU will be deemed to have been rejected, in accordance with section 44ZZBC(6) of the Competition and Consumer Act 2010 (Cth) ("**CCA**").

In light of this, and in accordance with section 44ZZBC(4) of the CCA, ARTC requests the Commission's agreement to disregard the period from 8 June 2011 to 28 June 2011 (inclusive) for the purposes of working out the expected period within which the Commission must make a decision on the 2010 HVAU application. For the avoidance of doubt, this means that the statutory timeframe for decision-making is extended to 30 June 2011.

Since publication of the Commission's position paper in relation to the 2010 HVAU on 21 December 2010 ("**Position Paper**"), ARTC has provided detailed responses to the Commission, seeking to address the various issues and concerns raised in the Position Paper. Amongst other things, ARTC has provided various materials to the Commission for its consideration, together with proposed amendments to relevant sections of the HVAU and Indicative Access Holder Agreement. ARTC believes that

the materials and drafting suggestions substantially address the issues and concerns raised in the Position Paper.

ARTC has also recently engaged in further detailed consultation with key stakeholders and has provided further options for stakeholder consultation, having the effect of slightly delaying the ACCC consultation period.

ARTC is, therefore, requesting the Clock Stopper in order to ensure that the Commission has sufficient time to consider the merits of ARTC's response to the Position Paper and more recent options, on a comprehensive basis.

ARTC urges the Commission not to issue a final decision on the 2010 HVAU on or before the Current Expiry Date if it has not had an adequate opportunity to consider ARTC's response to the Position Paper and more recent options provided. ARTC believes that it would be inappropriate for the Commission to issue a decision without due consideration of these matters.

Please feel free to contact me if you have any queries in relation to the above.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Fullerton', with a long horizontal flourish extending to the right.

John Fullerton  
Chief Executive Officer