



AUSTRALIAN RAIL TRACK CORPORATION LTD

04 September 2012

Mr Matthew Schroder
General Manager, Fuel, Transport & Prices Oversight
Australian Competition and Consumer Commission
GPO Box 520
MELBOURNE VIC 3001

By e-mail: matthew.schroder@accc.gov.au

Dear Mr Schroder

Application to vary the ARTC Interstate Access Undertaking – Southern Sydney Freight Line (SSFL)

Please find **enclosed** an application to the Australian Competition and Consumer Commission (ACCC) for consent to vary the ARTC Interstate Access Undertaking accepted by the ACCC on 15 July 2008 (IAU), in accordance with section 44ZZA(7) of the *Competition and Consumer Act 2010* (Cth) and as contemplated in sections 2.1(c) and 2.4(b) of the IAU.

Section 2.1(c) of the IAU provides for the IAU to be extended to include the SSFL when:

- it is completed and commissioned for rail operations; and
- the Indicative Access Charge applicable to the SSFL has been submitted by ARTC at least 6 months prior to the commissioning of the SSFL and accepted by the ACCC in accordance with section 2.4(b).

ARTC expects that the SSFL will be fully completed and commissioned for rail operations at or around the end of February 2013.

This application seeks the ACCC's acceptance of the proposed Indicative Access Charge applicable to the utilisation of the SSFL and consent to vary the IAU to incorporate the SSFL as contemplated in section 2.1(c) of the IAU.

The supporting report to this application (**Attachment B**) outlines ARTC's process for developing the proposed Indicative Access Charge applicable to the utilisation of the SSFL, including confidential modelling used in that development.

If you have any queries, please contact Simon Ormsby on (08)82174314 or Gavin Carney on (08)82174189.

Yours sincerely

John Fullerton
Chief Executive Officer