



FILE No:

DOC:

MARS/PRISM

26 October 2004

Mr Tim Grimwade
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
470 Northbourne Avenue
DICKSON. ACT 2602

Attention: Mr David Hatfield

Dear Sir

**Authorisation applications lodged by Port Waratah Coal Services Limited
(A30236-A30238)**

We refer to our letter to the Commission dated 18 October 2004 concerning the applications for interim authorisation submitted to the Commission (applications A30236, A30237 and A30238) by Port Waratah Coal Services Limited ("PWCS") in relation to the proposed Medium Term Capacity Distribution System ("**Medium Term CDS**").

Thank you for the opportunity to consider the various public submissions lodged in relation to Part I of the Interim Authorisation that has been requested by PWCS.

The version of the Medium Term CDS Protocol provided to the Commission on 18 October 2004 should be taken to be the Protocol for the purposes of the interim authorisation application. It is noted that as part of industry consultation, some aspects could still change, but the section dealing with the Auction the subject of Part I of the request for Interim Authorisation will not change. Any subsequent changes to other aspects of the Medium Term CDS can be dealt with in Part II of the request for Interim Authorisation, which elements are proposed to come into effect on 1 January 2005.

Details in relation to Producers' individual allocations prior to the Auction have been set out in our letter dated 18 October 2004.

We trust that this now provides all information necessary for the Commission to consider Part I of the Interim Authorisation request.

Yours sincerely



**MARK EAMES
GENERAL MANAGER, PLANNING & LOGISTICS**

