



**Australian
Competition &
Consumer
Commission**

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

Our Ref: C2005/583-02
Contact Officer: Jaime Norton
Contact Phone: (03) 9290 1885

17 May 2005

Mr Dave Poddar
Level 60
Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Poddar

**Re: Dalrymple Bay Coal Terminal Pty Limited (DBCTPL) application for authorisation
(A30239 – A30241) - interested party submissions**

I refer to the above application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 5 April 2005.

As you are aware, on 11 April 2005 the ACCC wrote to interested parties seeking submissions in relation to both the request for interim authorisation and the substantive application for authorisation. The ACCC requested that submissions on the substantive application be provided by 13 May 2005.

The ACCC has received public submissions from the following interested parties:

- Australian Premium Coals
- AMCI
- Millennium Coal.

A copy of each of these submissions is enclosed. All publicly available submissions are also posted on the ACCC internet site at www.accc.gov.au (by following the 'authorising anti-competitive conduct' link).

At the time of granting interim authorisation to the proposed Queue Management System (QMS), the ACCC notified DBCTPL and interested parties that it was actively investigating certain concerns with the proposed QMS, particularly the potential impact of the definition of Monthly Contract Tonnages in the Terminal Regulations on new users.

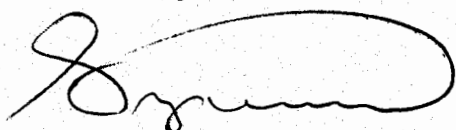


In this regard, I understand there have been ongoing commercial discussions with the relevant parties seeking to resolve this issue. However, you would note from the enclosed submissions that AMCI remains concerned that the definition of Monthly Contract Tonnage in the Terminal Regulations will disadvantage it and other new coal producers. On the other hand, Millennium Coal, another new producer, does not appear to share AMCI's concerns.

The ACCC seeks DBCTPL's response to this, and any other issues, arising from interested party submissions. The ACCC would appreciate receiving your response by **cob 6 June 2005**.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Ms Jaime Norton on (03) 9290 1885.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gregson', with a large, sweeping loop at the end.

Scott Gregson
A/g General Manager
Adjudication Branch