



Australian
Competition &
Consumer
Commission

Our Ref: C2005/583-02
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25 May 2005

Dear Sir or Madam

Applications for Authorisation (A30239-A30241) lodged by Dalrymple Bay Coal Terminal Pty Limited – request to amend interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has considered Dalrymple Bay Coal Terminal Pty Limited's (DBCTPL) request to amend the interim authorisation previously granted by the ACCC on 29 April 2005.

DBCTPL sought to amend the *Dalrymple Bay Coal Terminal, Queue Management System Amendments to Terminal Regulations, 15 April 2005* (Terminal Regulations) to address concerns about the potential impact of the definition of Monthly Contract Tonnage on new coal producers. In particular, DBCTPL proposes to delete the following sentence from the current Terminal Regulations:

However, if a User has not yet delivered coal to the Terminal pursuant to a relevant User Agreement, its Monthly Contract Tonnage in respect of that User Agreement will be deemed to be nil until the month in which it first delivers coal to the Terminal.

The ACCC has decided to vary the interim authorisation in accordance with the Terminal Regulations, as amended.

The ACCC awaits a copy of the amended Terminal Regulations as approved by Prime Infrastructure. The amended Terminal Regulations will be made available from the ACCC's website at <http://www.accc.gov.au> (by following the Public Registers and Authorisations links). This interim authorisation does not extend to any subsequent variations made to the Terminal Regulations.

As you are aware, interim authorisation allows the applicant to engage in the conduct prior to the ACCC considering the substantive merits of the application.


You should also be aware that the ACCC's decision in relation to interim authorisation should not be taken as an indication that the ACCC would make a similar decision in its final determination.



Should you have any questions please contact Ms Jaime Norton (03) 9290 1885 or David Hatfield on (02) 6243 1266.

A copy of this letter will be placed on the public register.

Yours sincerely

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

Scott Gregson
A/g General Manager
Adjudication Branch