

MALLESONS STEPHEN JAQUES

By email

1 June 2005

Mr Scott Gregson
General Manager, Adjudication
Australian Competition and Consumer
Commission
470 Northbourne Avenue
Dickson ACT 2602

Copy to Mr David Hatfield and Ms Jaime Norton

Dear Mr Hatfield

Dalrymple Bay Coal Terminal - Terminal Regulations amendment - for public register

I refer to the Commission's letter dated 25 May 2005 in relation to the applications for authorisation A30239, A30240 and A30241 lodged by Dalrymple Bay Coal Terminal Pty Limited ("DBCTPL").

In relation to your question as to DBCTPL reviewing the operation of the Queue Management System ("QMS") in July, DBCTPL anticipates holding a meeting of Users of the Terminal in mid July. This is anticipated to be an appropriate time because it will have allowed the QMS to operate for an initial period and will allow DBCTPL to consider together with the Users, whether any refinements (including those suggested by APC in its letter of 13 May 2005) should be made to the Terminal Regulations to improve the efficient operation of the Terminal under the QMS.

DBCTPL is conscious of ensuring consultation occurs with the Commission as to whether any changes to the Terminal Regulations are needed so that the Commission can then appropriately and publicly consult. Accordingly, DBCTPL would see merit in the Commission delaying issuing a draft determination until the completion of DBCTPL's review with Terminal Users, particularly if this is only for a few weeks and during the course of July.

Yours sincerely

[Sgd] D Poddar

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