



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91033 – A91035
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28 February 2007

Dave Poddar
Partner
Mallesons Stephen Jacques
Level 60
Governor Phillip Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Mr Poddar

Port Waratah Coal Services Ltd application for revocation of authorisations (A30236 – A30238) and substitution of new authorisations (A91033 – A91035)

I refer to the above mentioned authorisation applications lodged with the Australian Competition and Consumer Commission (the ACCC) on 27 February 2007.

The purpose of this letter is to advise you that a copy of the applications and non-confidential supporting materials have been placed on the ACCC's public register and to provide you with details of the ACCC's public consultation process.

Interested party consultations

As part of the ACCC's statutory assessment process, public consultation with interested parties commenced today, 28 February 2007. The ACCC has requested that parties wishing to provide submissions in relation to PWCS' request for interim authorisation do so by **Friday, 9 March 2007**. Submissions in relation to the substantive applications for revocation and substitution are due on **Monday, 19 March 2007**.

For your information I have enclosed a copy of the ACCC's letter inviting submissions and the list of organisations to which this letter was sent. This letter also attaches an indicative timetable for consideration of these applications.



You will note that the ACCC is proposing to have completed its assessment of PWCS' request for interim authorisation in March 2007. Further, the ACCC is proposing to issue a draft determination in April 2007. Any comments you wish to provide in response to the submissions of interested parties in relation to PWCS' substantive applications should be provided to the ACCC by **28 March 2007**.

The ACCC will provide a copy of all publicly available submissions received for your comment. These submissions will also be available from the ACCC's website.

Request for exclusion from the public register

I have considered your clients request that 'Confidential Annexures 1 and 2' to the supporting submission (marked 'Confidential Version') be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that 'Confidential Annexures 1 and 2' to PWCS' supporting submission will not be placed on the public register.

Further information

Finally, I note that PWCS has provided a marked up copy of *Annexure 4F Medium Term Capacity Balancing System – Objectives, Principles & Protocols* (Annexure 4F) with its applications. The ACCC would appreciate receiving a clean copy of Annexure 4F from you in due course.

Should you have any queries in relation to this matter, or the ACCC's consultation process, please do not hesitate to contact Jaime Martin on (03) 9290 1477 (jaimemartin@acc.gov.au) or David Hatfield on (02) 6243 1266 (david.hatfield@acc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Gregson', written over a light grey rectangular background.

Scott Gregson
General Manager
Adjudication Branch