



Australian
Competition &
Consumer
Commission

Our Ref: A91033-A91035
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23 May 2007

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

Dear Mr Poddar

Re: Port Waratah Coal Services Limited (PWCS) - final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination revoking authorisations A30236 – A30238 and granting substitute authorisations A91033 – A91035 in respect of the application for reauthorisation lodged by PWCS on 27 February 2007.

A copy of the ACCC's determination is attached. The ACCC has decided to grant authorisation until 31 December 2007 for the reasons set out in its determination.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 13 June 2007. If no application for review is lodged by this date, the ACCC's determination will come into force on 14 June 2007.

Interim authorisation, granted by the ACCC on 14 March 2007, will continue to protect the arrangements until the ACCC's final determination comes into effect or unless revoked.

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 Jaime Martin on (03) 9290 1477.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

