



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Contact Officer: Shane Chisholm
Contact Phone: (02) 6243 1252

17 November 2008

Dear Sir/Madam

**Applications for authorisation regarding Dalrymple Bay Coal Terminal
- interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received applications for authorisation from eight coal producers using the Dalrymple Bay Coal Terminal. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The applicants are seeking authorisation for 'a maximum six month extension of the Authorisation granted by the ACCC in relation to the Queue Management System which expires on 31 December 2008'. The arrangements were most recently authorised by the ACCC on 29 February 2008 (authorisations A91060-A91062).

A full copy of the application for authorisation will be available shortly on the ACCC's website <www.accc.gov.au>.

Interim authorisation

The applicants have requested interim authorisation to continue operating the current queue management system following the expiry of authorisations A91060-A91062 on 31 December 2008.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements

If you intend to provide a submission in relation to the applicant's application for interim authorisation, please do so by **28 November 2008**.

If you intend to provide a submission in relation to the applicant's application for authorisation, please do so by **12 December 2008**.

Alternatively, if you would like to provide comments orally, please contact Shane Chisholm on (02) 6243 1252 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

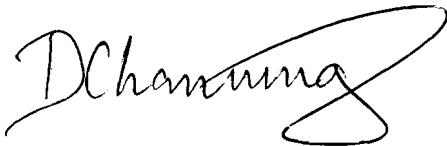
14 November 2008	Lodgement of application and supporting submission.
17 November 2008	Public consultation process begins.
28 November 2008	Closing date for submissions on interim authorisation.
3 December 2008	Applicant responds to issues raised in the public consultation process regarding interim authorisation.
Mid-December 2008	ACCC decision regarding interim authorisation.
12 December 2008	Closing date for submissions from interested parties.
December 2008	Applicant responds to issues raised in the public consultation process.
January-February 2009	Draft determination.
March 2009	Public consultation on draft determination including any conference if called.
April 2009	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the applications at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the applications.

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 Shane Chisholm on (02) 6243 1252 or myself on (02) 6263 4925.

Yours sincerely

A handwritten signature in black ink, appearing to read 'DChanning', with a large, stylized loop at the end.

Darrell Channing
Director
Adjudication Branch

The above letter was sent to the following interested parties:

- Anglo Coal Pty Ltd
- Rio Tinto Coal Australia Pty Ltd
- Xstrata Coal Queensland Pty Limited
- BHP Mitsui Coal Pty Ltd
- Peabody Energy Australia Coal Pty Ltd
- Foxleigh Mining Pty Ltd
- CVRD Australia Holdings Pty Ltd
- Macarthur Coal Pty Ltd
- QR Network Access
- QR National
- Pacific National
- Babcock Brown Infrastructure (BBI)
- Australian Government Department of Infrastructure, Transport, Regional Development and Local Government
- National Transport Commission
- Australian Government Department of Resources, Energy and Tourism
- Infrastructure Australia
- The Treasury
- Queensland Department of Infrastructure and Planning
- Queensland Department of Mines and Energy
- Queensland Department of Transport
- Queensland Environmental Protection Agency
- Queensland Competition Authority
- The Maritime Union of Australia
- Ports Corporation of Queensland
- Twenty-three Nineteen Pty Ltd
- Australian Premium Coals Pty Ltd
- McCullough Robertson
- The Institute of Energy Economics Japan
- AMCI
- Kobe Steel Ltd
- Gerdau Acominas
- Independent Coal Consultant
- Companhia Siderurgica Nacional
- Queensland Resources Council
- Embassy of Japan