

MALLESONS STEPHEN JAQUES

For the public register

Mr David Hatfield and Ms Jaime Martin
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

16 December 2008

Dear Mr Hatfield and Ms Martin

Applications for authorisation - A91110 - 91112

This letter is submitted on behalf of Port Waratah Coal Services Limited ("PWCS").

PWCS is encouraged by, and supports, the terminal access framework announced by the NSW Government on 12 December 2008. This framework is a blend of the recommendations by former NSW Premier, Mr Greiner, and the requirements of the NSW Government and the Hunter Valley coal industry.

PWCS considers that:

- the matters raised in its media release dated 12 December 2008 do not require or involve any amendments to the application for authorisation submitted by PWCS and Newcastle Coal Infrastructure Group Pty Limited on 19 November 2008;
- the elements of the terminal access framework which relate to PWCS infrastructure can be implemented by PWCS in consultation with its customers;
- the proposed framework, together with the interim authorisation, will allow PWCS to accelerate the implementation of the aspects of the terminal access framework relating to PWCS infrastructure, including the issuing of long term contracts; and
- implementation of the proposed terminal access framework will also provide contractual certainty for all industry participants, which will substantially facilitate the development of contractual arrangements between other participants in the Hunter Valley coal chain.

If interim authorisation is not granted, PWCS' immediate focus will necessarily be on the short term management of access arrangements to the Terminals. This would be an unfortunate shift away from PWCS' main objective of achieving a long term solution.

Yours sincerely



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