



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2008/1889  
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7 December 2008

Mr Dave Poddar  
Partner  
Mallesons Stephen Jaques  
Level 61, Governor Phillip Tower  
1 Farrer Place  
Sydney NSW 2000

*Via email: [dave.poddar@mallesons.com](mailto:dave.poddar@mallesons.com)*

Dear Mr Poddar

**Port Waratah Coal Services Limited and Newcastle Coal Infrastructure Group  
applications for authorisation A91110-A91112 – interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation until 31 March 2009 in respect of the application for authorisation lodged by Port Waratah Coal Services Limited and the Newcastle Coal Infrastructure Group (the Applicants) on 19 November 2008. Please find attached a document outlining the reasons for this decision. Please also note the monthly reporting requirements set out in the decision.

Interim authorisation has been granted to the PWCS Tonnage Allocation Stage 1 and protects the arrangements from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

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 Mr David Hatfield on (02) 6243 1266 ([david.hatfield@accc.gov.au](mailto:david.hatfield@accc.gov.au)) or Ms Jaime Martin on (03) 9290 1477 ([jaimie.martin@accc.gov.au](mailto:jaimie.martin@accc.gov.au)).

Yours sincerely

Dr Richard Chadwick  
General Manager  
Adjudication Branch