



Mr Scott Gregson  
General Manager  
Adjudication Branch  
Australian Competition & Consumer Commission  
470 Northbourne Avenue  
DICKSON ACT 2602

19 December 2007

Attention: Mr David Hatfield / Ms Sarah Chubb

Dear Sir

**Newcastle Port Corporation - applications for authorisation A91072 - A91074 interested party consultation**

We refer to an ACCC email received 17 December 2007 in relation to the authorisation applications lodged by Newcastle Port Corporation ("**NPC**") to extend the PWCS Capacity Balancing System ("**CBS**") for 2008, with the clarification by NPC confirming 2008 nominations as the basis for any extension.

Xstrata wishes to confirm its support for an extension of the CBS as proposed by NPC for a maximum period of six months from 1 January 2008 subject to:

- The implementation of a Final CBS to be developed in the interim period (refer to Xstrata's submission of 14<sup>th</sup> December) is made retrospective from 1 January 2008. This was supported by Gary Webb, CEO of NPC, in a telephone conversation with Xstrata on Monday 17<sup>th</sup> 2008.
- The development of new access protocols and a commercial framework for the coal chain to apply from 1 July 2010 (refer to Xstrata's submission of 14<sup>th</sup> December) is completed by no later than 30 June 2008.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Bridger'.

Stephen Bridger  
General Manager, Commercial  
Xstrata Coal

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