

## Chubb, Sarah

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**From:** Chubb, Sarah  
**Sent:** Monday, 17 December 2007 4:36 PM  
**Cc:** Gregson, Scott; Channing, Darrell; Hatfield, David; Martin, Jaime  
**Subject:** TRIM: Newcastle Port Corporation - applications for authorisation A91072-A91074 [SEC=UNCLASSIFIED]

**Follow Up Flag:** Follow up  
**Flag Status:** Red

**Categories:** SEC=UNCLASSIFIED  
**Attachments:** Letter to ACCC re amendment to authorisation application.pdf; Proposed System (with amendments).pdf  
**ACCC Classification:** SEC=UNCLASSIFIED  
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Good afternoon,

As you are aware, the ACCC is currently considering an application for authorisation lodged by Newcastle Port Corporation (NPC). NPC is seeking authorisation for a system designed to address the imbalance between the demand for coal loading services at the Port of Newcastle and the capacity of the Hunter Valley coal chain in 2008.

This morning, the ACCC received a letter from NPC amending its application for authorisation in several respects. Specifically, NPC has:

- amended the definition of "Forecast Requirement" in Schedule 1 to refer to the Demand Nominations provided to PWCS for the **2008** Year;
- amended Clause 1 of Schedule 5 to require the provision of demand profiles for the 2008 Year (broken down by Calendar Quarter) by no later than 31 December 2007.

Please find attached NPC's letter to the ACCC regarding these amendments, together with the amended version of NPC's proposed system.

The ACCC is urgently considering NPC's request for interim authorisation of its proposed system. Any comments in relation to the amendments, or their impact on your support or otherwise for the NPC application, should be provided to the ACCC by close of business Tuesday, **18 December 2007**.

Please contact me on (02) 6243 1088 if you have any queries in relation to this matter.

Regards,

Sarah Chubb  
Project Officer  
Adjudication Branch  
Australian Competition and Consumer Commission



Letter to ACCC re amendment to...



Proposed System (with amendmen...

## **Newcastle Port Corporation – applications for authorisation A91072-A91074**

### **Amended application – 17.12.07**

#### **Consultation – interested parties**

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1. Anglo Coal Australia Pty Ltd
2. Austar Coal Mine Pty Limited
3. BHP Billiton - Energy Coal
4. Bloomfield Collieries Pty Limited
5. Centennial Coal Company Limited
6. Coal & Allied (Rio Tinto Coal Australia Pty Ltd)
7. Gloucester Coal Limited
8. Idemitsu Australia Resources Pty Limited
9. Integra Coal Operations Pty Ltd
10. Muswellbrook Coal Company Limited
11. Resource Pacific Limited
12. Peabody Pacific Pty Limited
13. White Mining Limited
14. Whitehaven Coal Mining Pty Ltd
15. Xstrata Coal Operations Pty Ltd
16. Newcastle Coal Infrastructure Group
17. Australian Rail Track Corporation
18. Hunter Valley Coal Chain Logistics Team
19. Department of Industry, Tourism and Resources
20. NSW Department of Planning
21. NSW Department of Primary Industry (Resources Division)
22. Maritime Union of Australia
23. United Mine Workers Federation
24. NSW Minerals Council
25. Maitland City Council
26. Werris Creek Coal Sales Pty Ltd
27. SCT Logistics
28. Port Waratah Coal Services Limited
29. Pacific National (NSW) Pty Limited
30. QR Limited
31. The Treasury
32. Genesee & Wyoming Australia Pty Ltd
33. Peabody Coal Trade Australia
34. Cargill Ocean Transportation (Singapore)
35. Ashton Coal Mines Limited
36. Yancoal Australia Pty Ltd
37. Donaldson Coal Pty Limited