

**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: A91110 – A91112  
Contact Officer: Jaime Martin  
Contact Phone: (03) 9290 1477

(( February 2009

*Via email*

Dear Sir / Madam

**Port Waratah Coal Services Limited and Newcastle Coal Infrastructure Group  
applications for authorisation A91110 – A91112 — amendment to applications**

Port Waratah Coal Services Limited (PWCS) and the Newcastle Coal Infrastructure Group (hereafter jointly referred to as ‘the Applicants’) have written to the Australian Competition and Consumer Commission (the ACCC) amending the above applications for authorisation concerning the Hunter Valley coal chain.

A copy of the letter amending the applications is attached.

**The amended applications**

The effect of the amendment is that the Applicants are now seeking authorisation of the PWCS ‘Tonnage Allocation Stage 1’ (Stage 1 Allocation) only.

Consistent with the original applications, under the Stage 1 Allocation it is proposed that base tonnages for exporting coal will be allocated to existing coal producers that reflect the greater of each producer’s highest allocation usage between 2004 and 2007, or their binding nomination at PWCS for 2008 proportionally reduced to 95Mt. These base tonnages will then be proportionally increased or decreased to match the capacity of the Hunter Valley coal chain.

The Applicants seek authorisation of the proposed Stage 1 Allocation until 30 June 2009.

The Applicants no longer seek authorisation at this time for the proposed Long Term Terminal Access Protocols (LTTAP) referred to in the original applications. Instead, the Applicants envisage the relevant aspects of the long term solution (including the LTTAP) will form the subject of a separate application for authorisation to be provided to the ACCC in March 2009. Interested parties will have the opportunity to provide their views on the proposed long term solution through the normal public consultation process on any such application for authorisation.

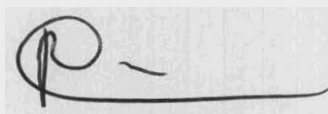
The ACCC intends to assess the amended application for authorisation in accordance with the timetable set out below. The ACCC's draft determination will take account of submissions received thus far with respect to the Stage 1 Allocation.

### Timetable

<b>13 February 2009</b>	Second monthly progress report from Applicants to be provided to the ACCC in accordance with conditional interim authorisation
<b>February / March</b>	Draft determination issued
<b>March</b>	Public consultation on draft determination
<b>13 March 2009</b>	Third monthly progress report from Applicants to be provided to the ACCC in accordance with conditional interim authorisation
<b>April / May</b>	Final determination issued

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 ([jaimemartin@accc.gov.au](mailto:jaimemartin@accc.gov.au)).

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch

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

**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. Donaldson Coal Pty Ltd
8. Gloucester Coal Limited
9. Idemitsu Australia Resources Pty Limited
10. Integra Coal Operations Pty Ltd
11. Resource Pacific Limited
12. Peabody Pacific Pty Limited
13. White Mining Limited
14. Whitehaven Coal Ltd
15. Xstrata Coal Australia Pty Ltd
16. Werris Creek Coal Sales Pty Ltd
17. Peabody Coal Trade Australia
18. Ashton Coal Mines Limited
19. NSW Minerals Council
20. Australian Rail Track Corporation
21. Hunter Valley Coal Chain Logistics Team
22. SCT Logistics
23. Asciano Limited
24. QR National Coal
25. Genesee & Wyoming Australia Pty Ltd (on behalf of Fenwick Elliot Grace)
26. The Hon. Joseph Tripodi MP, NSW Minister for Ports and Waterways
27. The Hon. Joel Fitzgibbon MP, Federal Member for Hunter
28. The Hon. George Souris MP, NSW Member for Upper Hunter
29. The Treasury (Energy, Transport and Communications Unit)
30. Australian Government Department of Resources, Energy and Tourism (Minerals Branch)
31. Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (Infrastructure Investment)
32. Infrastructure Australia
33. National Transport Commission
34. Newcastle Port Corporation
35. NSW Department of Planning (Major Project Assessments Division)
36. NSW Department of Primary Industry (Mineral Resources Division)
37. NSW Maritime

38. Australian Transport Safety Bureau
39. Maritime Union of Australia
40. United Mine Workers Federation
41. The Hon Nick Greiner AC
42. Embassy of Japan
43. Rail Corporation NSW
44. NSW Ministry of Transport
45. Rail Infrastructure Corporation
46. Dr Joe Winsen
47. China Shenhua Energy Company Limited