



**Australian
Competition &
Consumer
Commission**

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23 September 2009

Via email

Dear Sir / Madam

PWCS, NCIG and NPC applications for authorisation (A91147 – A91149 and A91168-A91169) — interim authorisation decision

On 17 September 2009 the ACCC was advised that that all of the Applicants have now executed their respective Capacity Framework Documents. At this time, the Applicants also requested interim authorisation of the Capacity Framework Arrangements, as amended on 14 September 2009.

The ACCC has decided to grant interim authorisation in respect of the amended Capacity Framework Arrangements. A copy of the ACCC's decision is attached.

Interim authorisation commences immediately 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.

Interim authorisation will remain in place until the date the ACCC's final determination comes into effect or unless revoked. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact David Hatfield on (02) 6243 1266 (david.hatfield@acc.gov.au) or Jaime Martin on (03) 9290 1477 (jaime.martin@acc.gov.au).

Yours sincerely

Dr Richard Chadwick
General Manager
Adjudication Branch

**Port Waratah Coal Services Limited, Newcastle Coal Infrastructure Group and
Newcastle Port Corporation – applications for authorisation A91147-A91149 and
A91168 – A91169**

**Interested parties – interim authorisation granted in relation to amended Capacity
Framework Arrangements**

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. Peabody Pacific Pty Limited
12. White Mining Limited
13. Whitehaven Coal Ltd
14. Xstrata Coal Australia Pty Ltd
15. Werris Creek Coal Sales Pty Ltd
16. Peabody Coal Trade Australia
17. Ashton Coal Mines Limited
18. NSW Minerals Council
19. Australian Rail Track Corporation
20. Hunter Valley Coal Chain Logistics Team
21. SCT Logistics
22. Asciano Limited
23. QR National Coal
24. Genesee & Wyoming Australia Pty Ltd (on behalf of Fenwick Elliot Grace)
25. The Treasury (Energy, Transport and Communications Unit)
26. Australian Government Department of Resources, Energy and Tourism (Minerals Branch)
27. Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (Infrastructure Investment)
28. Mr Ian McNamara, Policy Advisor for The Office of the Hon. Joe Tripodi MP, Minister for Ports and Waterways
29. Infrastructure Australia
30. National Transport Commission
31. NSW Department of Planning (Major Project Assessments Division)
32. NSW Department of Primary Industry (Mineral Resources Division)
33. NSW Maritime
34. Australian Transport Safety Bureau
35. Maritime Union of Australia
36. United Mine Workers Federation
37. The Hon Nick Greiner AC
38. Rail Corporation NSW
39. NSW Ministry of Transport
40. China Shenhua Energy Company Limited