



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91110-A91112
Contact Officer: Jaime Martin
Contact Phone: (02) 9290 1477

18 March 2009

Via email

Dear Sir / Madam

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

Pacific National has requested that the Australian Competition and Consumer Commission (ACCC) hold a conference in relation to its draft determination issued on 26 February 2009 concerning the above mentioned application for authorisation lodged by Port Waratah Coal Services and Newcastle Coal Infrastructure Group (the Applicants).

The draft determination relates to an application seeking authorisation of the 'PWCS Tonnage Allocation Stage 1' (Stage 1 Allocation system). The ACCC has proposed to grant authorisation to the Stage 1 Allocation system until 30 June 2009. Authorisation is conditional upon the parties finalising an Implementation Memorandum which sets out an agreed framework and details how the long term solution will be implemented on a timely basis, and providing it to the ACCC by 31 March 2009. The Implementation Memorandum must be sufficiently detailed that it enables parties to enter long term contracts to give effect to the long term solution and in so doing underpin efficient investment.

A copy of the application and draft determination can be found on the ACCC's website <www.accc.gov.au>.

Attending the conference

A pre-decision conference provides a valuable opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination. It is a public meeting to which all parties that may have an interest regarding the authorisation application are invited.

Conferences are conducted informally. While conference participants may bring outside legal or other professional advisers to assist them, the *Trade Practices Act 1974* (the Act) states that these advisers are not entitled to participate in the conference discussions.

The ACCC will hold the conference on **2 April 2009** at **The Grace Hotel, 77 York Street, Sydney**.

The conference will commence at **1.30pm**. Commissioner John Martin will chair the conference.

If you wish to attend, you must notify the ACCC of your intention by **Monday, 23 March 2009** and briefly indicate why you or your company or organisation has an interest in the matter. Notifications must be in writing and addressed to:

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 3131
Canberra ACT 2601

You can also notify the ACCC by email to: adjudication@acc.gov.au or by facsimile on 02 6243 1211.

Please provide details of a preferred contact name, telephone number, facsimile number or email address so that you can be notified of any late changes to conference arrangements.

If you represent a company or organisation you should also provide a list of all attendees and their position titles, and indicate who will be the chief spokesperson.

Attached for your information are procedures usually followed at pre-decision conferences.

A copy of this letter has been placed on the ACCC's public register.

If you require any further information in regard to the conference or wish to clarify whether you may be considered an 'interested person' within the terms of the Act, please contact Ms Jaime Martin on (03) 9290 1477 or at jaime.martin@acc.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 — pre-decision conference

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. QR National Coal
23. Genesee & Wyoming Australia Pty Ltd (on behalf of Fenwick Elliot Grace)
24. Mr Ian McNamara, Policy Advisor for The Office of the Hon. Joe Tripodi MP, Minister for Ports and Waterways
25. The Treasury (Energy, Transport and Communications Unit)
26. Australian Government Department of Resources, Energy and Tourism (Minerals Branch)
Australian Government Department of Infrastructure, Transport, Regional Development and Local Government (Infrastructure Investment)
28. Infrastructure Australia
29. National Transport Commission
30. Newcastle Port Corporation
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. Embassy of Japan
39. Rail Corporation NSW
40. NSW Ministry of Transport
41. Dr Joe Winsen
42. China Shenhua Energy Company Limited