



**Australian
Competition &
Consumer
Commission**

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Our Ref: A91110-A91112
Contact Officer: Jaime Martin
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18 March 2009

Dave Poddar
Partner
Mallesons Stephen Jaques
Level 60, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

Via email: Dave.poddar@mallesons.com

Dear Mr Poddar

Applications for authorisation A91110-A91112 lodged by Port Waratah Coal Services Limited and Newcastle Coal Infrastructure Group (the Applicants) – pre-decision conference

As you are aware, 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.

In particular, the ACCC's draft determination proposes to grant authorisation to the 'PWCS Tonnage Allocation Stage 1' 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.

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.

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.

Please advise the ACCC of the names of the Applicants' representatives who will be attending and their position titles, and indicate who will be the Applicants' chief spokesperson. Please provide this information by **Monday, 23 March 2009**. You may address this information to:

The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2602

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

I would also note that, while conference participants may bring outside legal or other professional advisers to assist them, the Trade Practices Act states that these advisers are not entitled to participate in the conference discussions.

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, please contact Jaime Martin on (03) 9290 1477 or at jaime.martin@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch