



**Australian
Competition &
Consumer
Commission**

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1 July 2009

Mr Dave Poddar
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*Via email: dave.poddar@mallesons.com
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Dear Mr Poddar

**Port Waratah Coal Services Limited, Newcastle Coal Infrastructure Group and
Newcastle Port Corporation applications for authorisation A91147 – A91149
— interested party consultation**

I refer to the above mentioned applications for authorisation lodged with the Australian Competition and Consumer Commission (ACCC) on 29 June 2009. A public register version of the supporting submission to the applications was subsequently received on 30 June 2009.

The purpose of this letter is to advise you that a copy of the applications and the public version of the supporting submission provided to the ACCC on 30 June 2009 have been placed on the public register, and to provide you with details of the ACCC's consultation process for this matter.

Consultation process

The ACCC's public consultation with interested parties commenced today. Please find enclosed, for your information, a copy of the letter sent to potentially interested parties.

An indicative timetable of the ACCC's assessment of this matter is set out below for your information.

To facilitate your request for urgent interim authorisation of the proposed Capacity Framework Arrangements within a tight timeframe, you will note that the ACCC has requested that parties wishing to provide submissions in relation to the request for interim authorisation do so by **12 noon Wednesday, 8 July 2009**. However, given the complexity of issues raised, it may be that interested parties need additional time to consider the request for interim authorisation.

Submissions in relation to the substantive application are due on **24 July 2009**.

29 June 2009	Lodgement of application and 'non-public' supporting submission, includes request for interim authorisation.
30 June 2009	Public supporting submission received from the Applicants.
1 July 2009	Public consultation process begins.
12 noon 8 July 2009	Closing date for submissions on interim authorisation.
12 noon 9 July 2009	Applicants respond to submissions from interested parties in relation to interim authorisation.
July 2009	ACCC decision regarding interim authorisation.
24 July 2009	Closing date for submissions from interested parties in relation to the substantive applications for authorisation.
10 August 2009	Applicants respond to issues raised in the public consultation process.
September 2009	Draft determination.
September/ October 2009	Public consultation on draft determination, including any conference if called.
October/ November 2009	Final determination.

All publicly available submissions will be posted on the ACCC internet site at <www.accc.gov.au>. At the end of the consultation period, the ACCC will also arrange for you to receive a copy of all publicly available submissions received in relation to the application.

Request for exclusion from the public register

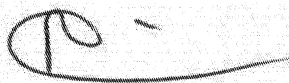
I have considered the Applicants' request that the 'confidential version' of the supporting submission be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the 'confidential version' of Attachment 6 to the supporting submission will not be placed on the public register.

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