

10 July 2009

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

By email: adjudication@accc.gov.au

Dear Dr Chadwick,

**Applications for Authorisation A91147 – A91149:
PWCS, NCIG & NPC – Hunter Valley Coal Chain**

Asciano welcomes the opportunity to comment on the applications for authorisation submitted to the Australian Competition and Consumer Commission (ACCC) by Port Waratah Coal Services Limited (PWCS), Newcastle Coal Infrastructure Group (NCIG) & Newcastle Port Corporation (NPC).

This submission is made only with respect to the interim authorisation being sought by the applicants. The submission is intended to be a public document and contains no information over which Asciano wishes to claim confidentiality.

As a significant service provider in the Hunter Valley coal chain, Asciano, through its train operator Pacific National, will be significantly affected by the ACCC's decision. Asciano's views are based on experience over a long period of involvement in the Hunter Valley and as a key participant in the attempts to reform the way in which the coal chain works in recent years. It is Asciano's view that the most critical issue for consideration by the ACCC is whether the achievement of a long term solution for the coal chain will be assisted or hindered by the granting of the proposed interim authorisation.

Despite the fact there is more work to be completed to finalise the details of the long term coal chain capacity management solution, Asciano believes that interim authorisation to allow the commencement of the process of long term capacity contracting by PWCS & NCIG is warranted. It is also believed that the commencement of this process will ensure the full engagement of all Coal Chain parties and further assist the timely finalisation of all detailed aspects of the long term coal chain solution.

If you require any additional information about the matters raised in this submission, please contact me.

Yours sincerely



David Irwin
Divisional General Manager - Coal
