



Australian
Competition &
Consumer
Commission

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111

fax: (02) 6243 1199

www.accc.gov.au

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Contact Officer: Jaime Martin
Contact Phone: (03) 9290 1477

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Mr Dave Poddar
Partner
Mallesons Stephen Jaques
Level 61, Governor Phillip Tower
1 Farrer Place
Sydney NSW 2000

*Via email: dave.poddar@mallesons.com; lcarver@gtlaw.com.au;
peter.armitage@blakedawson.com*

Dear Mr Poddar

**Port Waratah Coal Services Limited, Newcastle Coal Infrastructure Group and
Newcastle Port Corporation applications for authorisation (A91147 – A91149)
— interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant conditional interim authorisation in relation to the above mentioned applications for authorisation lodged with the ACCC under sections 88(1) and 88(7) of the *Trade Practices Act 1974* (the Act) on 29 June 2009.

Interim authorisation has been granted to the proposed Capacity Framework Arrangements, except for section 11 of Part B of the arrangements.

Interim authorisation is subject to a condition that the Applicants execute their respective Capacity Framework Documents by 31 August 2009. The ACCC will revoke the interim authorisation should any of the Applicants fail to execute the Capacity Framework Documents by 31 August 2009.

Please find attached a document outlining the reasons for this decision.

Interim authorisation commences immediately and protects the arrangements from legal action under the relevant provisions of the Act 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 do not hesitate to contact Mr David Hatfield on (02) 6243 1266 (david.hatfield@acc.gov.au) or Ms Jaime Martin on (03) 9290 1477 (jaimemartin@acc.gov.au).

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch