



Mr David Hatfield
Acting General Manager
Australian Competition & Consumer Commission
Adjudication Branch
23 Markus Clarke Street
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**Port Waratah Coal Services Limited, Newcastle Coal Infrastructure Group
and Newcastle Port Corporation (NPC) authorisation A91147 -A91149 &
A91168 & A91169 – request for review by Aston Resources**

Port Waratah Coal Services Limited ("PWCS") is aware of a recent article in the Australian Financial Review in relation to the ACCC's public consultation on whether the authorisation of the Capacity Framework Arrangements should be reopened.

PWCS is not able to provide information about the nominations submitted by Producers under the Capacity Framework Arrangements or the volumes which Producers have received through the allocation process as it has confidentiality arrangements in place with its customers.

However at this stage, PWCS wishes to clarify any misunderstandings that may have arisen due to public statements made by certain parties. As indicated publicly by Aston Resources, it has nominated for and been allocated capacity at PWCS. PWCS has not received a formal nomination for capacity under the Capacity Framework Arrangements from Shenhua, Coalworks or any other new coal producer.

PWCS is committed to expanding its terminal operations in accordance with the Capacity Framework Arrangements and in order to do so encourages coal industry participants to nominate in accordance with the Capacity Framework Arrangements. This contracted demand will then determine PWCS' expansion obligations.

Yours sincerely

**GRAHAM DAVIDSON
GENERAL MANAGER**

