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Mr David Hatfield  
Director - Adjudication Branch  
Australian Competition and Consumer Commission  
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31 January 2012  
Matter 82079170  
Email

Dear Mr Hatfield

### **A91350 & A91351 - response to submission from Asciano**

Thank you for your letter of 22 January 2013, attaching submissions received by the ACCC from Asciano Ltd (**Asciano**) and the Queensland Department of State Development, Infrastructure and Planning.

The submissions are supportive of the applications for authorisation.

Although Asciano is supportive of the applications for authorisation 'in principle', Asciano expressed concerns regarding the vertically integrated nature of Aurizon Network (previously called QR Network) and the Aurizon above rail business. In particular, Asciano submitted that any authorisation should be limited to:

- Aurizon Network rail network related issues only and not cross over into any issues related to above rail haulage; and
- Negotiations regarding below rail infrastructure that supports the transportation of coal to the terminals to be developed by Adani at Dudgeon Point (**Terminal**).

Asciano also submitted that the negotiations should have no detrimental impact on existing access users and the capacity that they have contracted for and that negotiations should be priced in a cost reflective manner and not subsidised by other users.

The authorisation applications are limited in scope to the below rail infrastructure associated with the Terminal. That is, the conduct for which authorisation is sought does not include the conduct raised by Asciano as being of potential concern.

It is not intended that the negotiations will have any detrimental impact on the capacity rights of existing users and it is anticipated that prices will be determined in the usual way for projects of this nature.

Please feel free to contact us if you would like to discuss any aspect of this letter.

Yours sincerely

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