



**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

Our Ref: 53987
Contact Officer: Hannah Ransom
Contact Phone: (02) 6243 1255

22 July 2014

Mr Simon Muys
Partner
Gilbert + Tobin Lawyers

By email: smuys@gtlaw.com.au
CC: ccoorey@gtlaw.com.au

Dear Mr Muys

**Re: Rio Tinto, Peabody and Pacific National applications for authorisation
A91410 – A91411
- PRE-DECISION CONFERENCE**

Aurizon Network has requested that the Australian Competition & Consumer Commission (the ACCC) convene a conference in relation to the draft determination issued by the ACCC on 19 June 2014 proposing to grant authorisations A91410 and A91411.

As you are aware, the draft determination follows an application by Rio Tinto, Peabody and Pacific National (the Applicants) for authorisation to coordinate operational arrangements relating to the transportation of coal for export through DBCT, to seek to capture greater throughput efficiency. In its draft determination the ACCC proposed to grant authorisation to the application. A copy of the application and draft determination can be found on the ACCC's website <www.accc.gov.au>.

A pre-decision conference provides a valuable opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference on **Friday, 8 August 2014**, in **Brisbane** at a location to be confirmed. The conference will commence at **3:00pm**. An ACCC Commissioner will chair the conference.

Under the *Competition and Consumer Act 2010* (the Act), the conference may be attended by the applicant and other interested parties. Please advise the ACCC of the names of the Applicants' representatives who will be attending and their position titles, and indicate who will be the Applicants' chief spokesperson. Please provide this information by **COB 31 July 2014**.

I would also note that, while conference participants may bring outside legal or other professional advisers to assist them, under the Act, these advisers are not entitled to participate in conference discussions.

Attached for your information are procedures usually followed at pre-decision conferences.

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference, please do not hesitate to contact Hannah Ransom on (02) 6243 1255.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch