



## AUSTRALIAN RAIL TRACK CORPORATION LTD

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24 March 2014

Mr Matthew Schroder  
General Manager, Fuel, Transport & Prices Oversight  
Australian Competition and Consumer Commission  
GPO Box 520  
MELBOURNE VIC 3001

By e-mail: [matthew.schroder@accc.gov.au](mailto:matthew.schroder@accc.gov.au)

Dear Mr Schroder

### **Revised Application for variation of Hunter Valley Coal Network Access Undertaking (HVAU)**

ARTC refers to its application to vary the HVAU submitted to the ACCC for consideration on 28 June 2013 to incorporate the Gap to Turrawan Segments for coverage under the HVAU (Proposed Variation), which was recently withdrawn on 20 February 2014.

Please find **enclosed** a revised application to the Australian Competition and Consumer Commission for consent to vary ARTC's Hunter Valley Coal Network Access Undertaking in accordance with section 44ZZA(7) of the *Competition and Consumer Act 2010* (Cth) (the **Act**) to include certain rail infrastructure between Gap and Turrawan in the covered rail network.

ARTC has worked with the ACCC and relevant stakeholders to address commercial and drafting issues raised by the ACCC in its consideration of the Proposed Variation. These issues have been raised by the ACCC in its formal information request issued on 3 September 2013, other informal requests for information and a position paper issued on 12 December 2013.

In this revised application, ARTC has proposed a number of amendments to the ACCC in order to address issues raised above, and following further recent consultation with the ACCC and relevant stakeholders. Specifically, the revised application incorporates a number of amendments intended to deal with some outstanding issues raised by relevant stakeholders, and resolved following recent consultation with those stakeholders. ARTC understands that the amendments are supported by those stakeholders.

ARTC now considers that the revised application addresses the commercial and draft issues previously raised by the ACCC and relevant stakeholders.

If you have any queries, please contact myself on (08) 8217 4239 or Gavin Carney on (08 8217 4189).

Yours sincerely

Kylie Gallasch  
**Acting Executive General Manager**  
**Strategy & Growth**