

11 September 2014

Mr Michael Eady  
Director, Fuel, Transport and Prices Oversight  
Australian Competition & Consumer Commission  
Level 35 360 Elizabeth Street  
Melbourne VIC 3000

By Email: [michael.eady@acc.gov.au](mailto:michael.eady@acc.gov.au)

Dear Mr Eady

### **GrainCorp Operations Limited – variation to Port Terminal Services Undertaking**

We refer to the draft decision issued by the Australian Competition and Consumer Commission (**ACCC**) on 21 August 2014 proposing to accept GrainCorp's application to vary its Port Terminal Services Undertaking dated 23 June 2011 (**Undertaking**) pursuant to subsection 44ZZA(7) of the *Competition and Consumer Act 2010 (CCA)*.

GrainCorp acknowledges the requirement to insert additional provisions relating to key performance indicator reporting in clause 11(a) of the Undertaking to cover the period of the extension. Accordingly, GrainCorp withdraws its draft Undertaking and submits the enclosed amended version of the draft Undertaking addressing this requirement. GrainCorp's proposed variations are shown in mark up.

We note that GrainCorp's proposed drafting with respect to key performance indicator reporting is non-substantive and identical to the equivalent provisions in the port terminal services access undertakings for which variations have recently been sought by both Viterro Operations Limited (**Viterro**) and Emerald Logistics Pty Ltd (**Emerald**). In this regard, we note the ACCC accepted Viterro's revised undertaking and has issued a draft decision proposing to accept Emerald's revised undertaking.

If you require further information, please contact me on 02 9325 9132 or [atrigg@graincorp.com.au](mailto:atrigg@graincorp.com.au).

Yours sincerely,



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