

For public register

12 December 2013

Mr Michael Eady
Director
Fuel, Transport and Prices Oversight
Australian Competition and Consumer
Commission
Level 35, 360 Elizabeth Street
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Copy to
Ms Kerry Leigh Taylor
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Dear Mr Eady

Application to vary and extend Viterra's Port Terminal Services Access Undertaking

We act for Viterra Operations Limited ("**Viterra Operations**") in relation to its application to the ACCC to vary and extend the Port Terminal Services Access Undertaking accepted by the ACCC in September 2011.

Viterra Operations wishes to:

- (a) withdraw the application to vary and extend the Port Terminal Services Access Undertaking that it submitted to the ACCC on 25 July 2013; and
- (b) submit the attached revised application to vary and extend the Port Terminal Services Access Undertaking to the ACCC under section 44ZZA(7) and section 44ZZBB of the *Competition and Consumer Act 2010* (Cth).

The only differences between the application to vary and extend submitted on 25 July 2013 and this revised application are as follows:

- (a) the attached Standard Terms (which form part of the Access Undertaking) incorporate the additional changes set out in our letter to the ACCC dated 8 October 2013; and
- (b) the proposed changes the Port Loading Protocols are marked up against the version of the Port Loading Protocols that took effect on 15 November 2013.

All proposed changes to the Access Undertaking, Standard Terms and Port Loading Protocols are marked-up against the relevant documents as set out in Attachment 1 to this letter.

If the ACCC requires any further information in relation to this letter, Viterro Operations would be pleased to assist.

Yours sincerely



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Attachment 1