

MALLESONS STEPHEN JAQUES

Mr Anthony Wing
General Manager
Transport and General Prices Oversight
Australian Competition and Consumer
Commission
Level 35 The Tower
360 Elizabeth Street
Melbourne VIC 3000

6 July 2009

Dear Mr Wing

ABB Grain Limited (ABB) Port Terminal Services Access Undertaking

We refer to your letter dated 3 July 2009, and the article in The Australian newspaper of 2 July 2009 entitled "*To shift exports, go hard to port - Infrastructure: Special Report*" (the "**Article**").

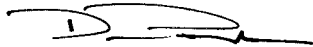
We have been instructed by ABB that the Article contains a number of inaccuracies, and was not prepared in consultation with ABB. ABB is considering its response to The Australian newspaper.

ABB has previously considered the possibility of constructing a deepwater port terminal facility at Port Stanvac (as noted in ABB's response of 23 June 2009 to question 3(c) of the Commission's letter dated 2 June 2009 (the "**Information Request**"). However, ABB decided against this investment and is now constructing a deepwater port terminal at Outer Harbor. ABB has no plans to build a new grain port terminal at Port Stanvac, either alone or in partnership with third parties.

ABB notes that the possibility of investment in new capacity raised in the Article is consistent with its views on the potential for such new entry, as detailed in response to question 3 of the Commission's Information Request.

If the Commission has any additional questions in relation to ABB's Access Undertaking, ABB would be happy to assist.

Yours sincerely



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