

File Ref: 268645

8 September 2009

Mr Eric Kolatchew
Chief Executive Officer
DBCT Management
Level 25, 1 Eagle Street
Brisbane QLD 4000

Dear Mr Kolatchew

DBCT Management's Draft Amending Access Undertaking

On 3 September 2009, the Authority received from DBCT Management an application to approve a draft amending access undertaking (DAAU) seeking to extend the expiry date of the 2006 DBCT access undertaking from 31 December 2009 to 31 December 2010. The Authority intends to conduct an investigation into the DAAU.

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires the Authority to provide the owner or operator of a service with a formal notice that it proposes to start an investigation and to invite the owner or operator of the service to make a written submission. This is the purpose of this letter.

Notice of Investigation

In accordance with s.146 of the QCA Act, the Authority advises that it proposes to conduct an investigation to decide whether to approve, or refuse to approve, DBCT Management's DAAU. In accordance with s.143 of the QCA Act, the Authority may approve a DAAU only if, *inter alia*, it has:

- published the DAAU and invited persons to make submissions on it; and
- considered those submissions.

Submissions

The Authority has published DBCT Management's DAAU on its website (www.qca.org.au) and has sought submissions from interested parties.

The Authority invites a written submission from DBCT Management. Attached is a Submissions page to assist in the preparation and lodgement of submissions. DBCT Management is welcome to comment on any aspect of the DAAU.

Any inquiries should be directed to Paul Bilyk on (07) 3222 0506. The closing date for all submissions is 5.00 pm 22 September 2009.

Yours sincerely



EJ Hall
Chief Executive

SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). Submissions are therefore invited from interested parties concerning the voluntary draft amending access undertaking (DAAU) submitted by DBCT Management to the Authority on 3 September 2009. The DAAU seeks to extend the expiry date of the 2006 DBCT access undertaking.

Written submissions should be sent to the address below. While the Authority does not necessarily require submissions in any particular format, it would be appreciated if two printed copies are provided together with an electronic version on disk (Microsoft Word© format) or by e-mail. Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane Qld 4001
Telephone: (07) 3222 0506
Fax: (07) 3222 0599
Email: ports.submissions@qca.org.au

The **closing date** for submissions is 5.00 pm on 22 September 2009

Confidentiality

In the interests of transparency and to promote informed discussion, the Authority would prefer submissions to be made publicly available wherever this is reasonable. However, if a person making a submission does not want that submission to be public, that person should claim confidentiality in respect of the document (or any part of the document). Claims for confidentiality should be clearly noted on the front page of the submission and the relevant sections of the submission should be marked as confidential, so that the remainder of the document can be made publicly available. It would also be appreciated if two copies of each version of these submissions (i.e. the complete version and another excising confidential information) could be provided. Again, it would be appreciated if each version could be provided on disk. Where it is unclear why a submission has been marked "confidential", the status of the submission will be discussed with the person making the submission.

While the Authority will endeavour to identify and protect material claimed as confidential as well as exempt documents (within the meaning of the *Freedom of Information (FOI) Act 1989*), it cannot guarantee that submissions will not be made publicly available. As stated in s.187 of the *Queensland Competition Authority Act 1997* (the QCA Act), the Authority must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the Authority is satisfied that the person's belief is justified and that the disclosure of the information would not be in the public interest. Notwithstanding this, there is a possibility that the Authority may be required to reveal confidential information as a result of an FOI request.

Public access to submissions

Subject to any confidentiality constraints, submissions will be available for public inspection at the Brisbane office of the Authority, or on its website at www.qca.org.au. If you experience any difficulty gaining access to documents please contact the office on (07) 3222 0555. Information about the role and current activities of the Authority, including copies of reports, papers and submissions can also be found on the Authority's website.