



22 September 2009

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Dear John

Re: Dalrymple Bay Coal Terminal - Extension of Term of Access Undertaking

This letter is in response to the request for submissions from interested parties concerning the voluntary draft amending access undertaking (DAAU) submitted by DBCT Management (DBCTM) to the Queensland Competition Authority (QCA) on 3 September 2009.

The DBCT User Group (Users) supports the DAAU submitted by DBCTM and request that the QCA attend to this matter quickly so as to provide certainty of pricing for the coming calendar year. The Users also request that the QCA encourage DBCTM to give consideration the proposed principles of the Long Term Solution during the extension period and continue to work cooperatively with industry to capture these principles within the new draft access undertaking.

The Users also request that the QCA puts in place agreed milestones with DBCTM with respect to submitting the new draft Access Undertaking in 2010. For example, a requirement that DBCTM initiate the formal AU reset no later than a certain date next calendar year. This is to ensure that the regulatory process is completed within the extension period and the QCA has released its Final Determination before 31 December 2010.

Please contact me if you have queries or wish to discuss this matter further.

Yours Sincerely,



Dan Reynolds
Chairman, DBCT User Group

DBCT User Group Members

- Anglo Coal Australia Pty Ltd (ACN 076 059 679) (representing the German Creek, Moranbah North and Foxleigh Mines)
- BHP Mitsui Coal Pty Ltd (representing the Goonyella, Riverside, Broadmeadow, Peak Downs, Saraji, Norwich Park, Gregory, Crinum, Blackwater, South Walker Creek and Poitrel Mines)

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- Vale Australia Holdings Pty Ltd (ACN 075 176 386 (representing the Carborough Downs and Broadlea Mines)
- Isaac Plains Coal Management Pty Ltd (ACN 114 277 315) (representing the Isaac Plains Mine)
- Macarthur Coal (C&M Management) Pty Ltd (ACN 077 890 932) (representing the Moorvale and Coppabella Mines)
- Peabody Pacific Pty Limited (ACN 096 909 410) (representing the Burton, North Goonyella and Millennium Mines)
- Rio Tinto Coal Australia Pty Ltd (ACN 010 542 140) (representing the Blair Athol, Clermont and Hail Creek Mines)
- Xstrata Coal Queensland Pty Limited (ACN 098 156 702) (representing the Oakey Creek Mine)

Copy to: DBCT User Group