

File Ref: 303373

21 May 2010

Mr Russell Smith
Chief Executive Officer
DBCT Management
Level 15, 1 Eagle Street
Brisbane QLD 4000

Dear Mr Smith

**Notice of Investigation
DBCT Management's Draft Amending Access Undertaking**

On 20 May 2010, the Authority received from DBCT Management an application to approve a draft amending access undertaking (DAAU) for the coal handling services at the Dalrymple Bay Coal Terminal.

In particular, the DAAU seeks to amend the approved 2006 access undertaking to adjust the annual revenue requirement, the revenue cap and the reference tariff based on the non-expansion capital expenditure at the terminal. 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 the service with a formal notice that it proposes to start an investigation and to invite the owner 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 10 June 2010.

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 20 May 2010. The DAAU seeks to amend the 2006 approved access undertaking to adjust the annual revenue requirement, the revenue cap and the reference tariff based on the costs related to non-expansion capital works completed in the 2008-09 financial year.

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 10 June 2010.

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 information and information disclosure of which would be contrary to the public interest (within the meaning of the *Right to Information Act 2009 (RTI)*), it cannot guarantee that submissions will not be made publicly available. As stated in s187 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 a RTI 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 (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