

REQUEST FOR COMMENTS ON SUPPLEMENTARY SUBMISSIONS

On 4 January 2006, the Queensland Competition Authority ("the Authority") received a draft access undertaking for the coal handling services at the Dalrymple Bay Coal Terminal ("the 2006 draft access undertaking"). The 2006 draft access undertaking was submitted by BBI (DBCT) Management Pty Limited.

On 10 January 2006, and in accordance with s.146 of the Queensland Competition Authority Act 1997, the Authority commenced an investigation into access to the coal handling services at the Dalrymple Bay Coal Terminal, to assist the Authority in deciding whether to approve, or refuse to approve, the 2006 draft access undertaking.

As part of the investigation, the Authority invited written submissions from interested parties.

Copies of the draft access undertaking and the submissions received are available from the Authority and can be downloaded from the Authority's web site:

<http://www.qca.org.au>.

Supplementary submissions were subsequently received from Anglo Coal and Peabody Pacific regarding the manner in which DBCT Management proposed to handle requests for additional capacity that were in existence at the commencement date of the undertaking. These submissions are also available from the Authority or may be downloaded from the Authority's web site. Inter alia, the submissions argue that:

- the proposed basis of allocation is flawed in that the allocation process was unclear and uncertain and, instead, capacity should be allocated on the pro-rata basis outlined in the submissions; and
- approval of the proposed basis of allocation will have a retrospective effect.

In considering the capacity allocation provisions in the 2006 draft access undertaking, the Authority seeks comments on the issues and proposals raised in the Anglo Coal and Peabody Pacific submissions. In particular, comments are sought on the pro rata proposal by Peabody Pacific to allocate capacity at DBCT.

The Authority is also interested in receiving submissions as to whether the 2006 draft access undertaking, if approved in its current form, could be seen to impact on the legal rights of parties who claim that there were deficiencies in the manner in which requests for additional capacity have been handled by DBCT Management. If so, are there alternatives to avoid affecting the legal rights (if any) of those parties?

Furthermore, the Authority is also interested in receiving submissions as to whether it is considered that the adoption of the "pro-rata allocation of capacity" proposal, as suggested in the submission of Peabody Pacific could impact on the legal rights of parties who have currently taken up positions in the queue established by DBCT Management. If so, are there alternatives to avoid affecting the legal rights (if any) of those parties?

To facilitate the Authority's consideration of submissions, submission-makers are requested to clearly identify any sections that they seek to remain confidential and the grounds on which confidentiality is claimed. Further information on the Authority's treatment of confidential submissions is attached.

Submissions or comments regarding the Authority's investigation of this matter should be directed to:

Queensland Competition Authority
GPO Box 2257
Brisbane QLD 4001
Telephone: (07) 3222 0555
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The closing date for submissions is by the strict deadline of cob Friday 28 April 2006.