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PON Revocation
National Competition Council
GPO Box 250
Melbourne VIC 3000

8 August 2018

pon@ncc.gov.au

Attention: Richard Home

Dear Mr Home

Submission by Port of Newcastle Operations (PNO) to the National Competition Council (NCC) for a possible recommendation to revoke the declaration of shipping channel service at the Port of Newcastle

We refer to the NCC's letters dated 10 July 2018 and 3 August 2018.

We enclose the following documents:

1. Submission by Glencore Coal Pty Ltd (**Glencore**) dated 8 August 2018 to the NCC in response to the application by PNO for revocation of declaration of the shipping channel service at the Port of Newcastle; and
2. Report by Synergies Economic Consulting (**Synergies**) prepared on behalf of Glencore dated 8 August 2018.

In relation to the NCC's letter dated 3 August 2018 and decision not to grant our client an extension of time for submissions, we reserve our client's rights. The decision not to grant an extension of time was clearly prejudicial to our client as the submissions have been provided in a curtailed fashion in a matter where the NCC was aware of Glencore's specific interest and also having regard to the nature of the appeal processes in Part IIIA matters. Our client's rights remain fully reserved.

Further, as the NCC is aware we are unable to provide all relevant information in our submissions for the NCC's consideration due to the confidentiality obligations that arise under the current arbitration process being conducted by the Australian Competition &

Consumer Commission for access to the declared shipping channel service at the Port of Newcastle.

Yours sincerely

Dave Poddar
Partner
Clifford Chance