

26 April 2007

WATERFRONT PLACE 1 EAGLE STREET BRISBANE
PO BOX 7844 WATERFRONT PLACE QLD 4001 AUSTRALIA
DX 102 BRISBANE www.minterellison.com
TELEPHONE +61 7 3119 6000 FACSIMILE +61 7 3119 1000

Ms Meredith Hooper
Australian Energy Regulator
Level 7, Angel Place
123 Pitt Street
GPO Box 3648
SYDNEY NSW 2001

Dear Ms Hooper

Amendments to the proposed Access Arrangement for the Dawson Valley Pipeline

We refer to the proposed Access Arrangement for the Dawson Valley Pipeline lodged with the Australian Competition and Consumer Commission (ACCC) on 5 February 2007.

Throughout correspondence and discussions with the ACCC, it has expressed continual concern with parts of clauses 3.5(a) and 16(e) of the Schedule 2: Standard Terms and Conditions. In teleconference with Mr Calvert of the ACCC on 20 April 2007, Anglo, on behalf of the Service Providers, indicated that it was prepared to amend clauses 3.5(a) and 16(e) to address the ACCC's ongoing concerns. The proposed new clauses with the amendments marked in bold are as follows:

(a) in respect of clause 3.5(a):

*'Anglo Coal shall provide a written copy of the Operational Flow Order to the User **within a reasonable time prior to the effective commencement of an Operational Flow Order based on the circumstances in which the Operational Flow Order is issued**'; and*

(b) in respect of clause 16(e):

*'in the case of the occurrence of an event or circumstance of Force Majeure or a failure by the User to comply with an Operational Flow Order **in circumstances where Anglo Coal considers that it is necessary to ensure the integrity of the Service or the safety or integrity of the DVP.***

If you have any questions please contact Margaret Brown on (07) 3119 6388.

Yours faithfully

MINTER ELLISON



Contact: Margaret Brown Direct phone: +61 7 3119 6388 Direct fax: +61 7 3119 1388
Email: margaret.brown@minterellison.com
Our reference: KEXF MAB 40-5220504

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SYDNEY MELBOURNE BRISBANE CANBERRA ADELAIDE PERTH GOLD COAST DARWIN
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