

Mr. George Passmore
Director Business Performance
Queensland Competition Authority
Level 27, 145 Ann Street
Brisbane QLD 4000

13 January 2023

Dear George,

Aurizon Network Pty Ltd (Aurizon Network) – Concept Study DAAU – Withdrawal and Resubmission

Aurizon Network welcomes the Queensland Competition Authority's (**QCA**) draft decision on the Concept Study Draft Amending Access Undertaking (**Concept Study DAAU**). Aurizon Network notes that:

- the QCA's draft decision to refuse to approve the Concept Study DAAU, relates to the original drafting amendments that were submitted to the QCA on 8 June 2022;
- on 4 November 2022, Aurizon Network submitted revised drafting amendments to UT5 that were developed in conjunction with, and materially agreed between Aurizon Network and Customers; and
- the QCA's draft decision states "*Aurizon Network's revised drafting would be appropriate to approve*".¹

The purpose of this submission is to:

- withdraw the original drafting amendments submitted to the QCA on 8 June 2022; and
- resubmit the Concept Study DAAU, which has been amended to reflect the revised drafting amendments submitted to the QCA on 4 November 2022.

As previously foreshadowed in correspondence to the QCA, this resubmitted Concept Study DAAU seeks the QCA's approval of correct cross referencing errors that were introduced to the Consolidated Version of the 2017 Access Undertaking (**UT5**) (approved in February 2020), and that were identified when preparing this resubmitted Concept Study DAAU. This includes referencing amendments to:

- the definition of 'Further Study'. The drafting amendments submitted on 4 November 2022 made reference to clause 7A.5(n)(ix)(A). The correct reference should be to clause 7A.5(n)(viii)(A); and
- Schedule E, 2.2 (l)(iii), which contains a reference to clause 7A.5(l)(i)(B). The correct reference should be to clause 7A.5(l)(ii)(B).

¹ QCA (2022), Draft Determination, Aurizon Network's Concept Study DAAU, December, pg. 5.

Aurizon Network has also made a minor amendment to clause 7A.5 (i). The drafting amendments submitted on 4 November 2022 suggested that a copy of the Independent Expert's 'Response Document' would be attached as a new 'Schedule L' to UT5. Rather than add an additional 41 pages as an appendix to UT5, Aurizon Network proposes that this reference to Schedule L be amended to state that the Response Document is "published on the QCA website."

Aurizon Network considers that the marked up amendments are immaterial in nature, and do not change either the intent or the operation of the drafting amendments submitted on 4 November 2022.

Considering the QCA's views on the revised drafting amendments and the desire of both Aurizon Network and stakeholders to promptly resolve Existing Capacity Deficits identified in the Independent Expert's Initial Capacity Assessment Report, Aurizon Network would welcome an expedited regulatory process to progress the resubmitted Concept Study DAAU to a final decision.

If you should have any further questions pertaining to the Concept Study DAAU, please do not hesitate to contact me.

Yours sincerely

MGBray

Michael Bray
Undertaking Development Lead
Aurizon Network