



9 February 2023

Matthew Tsikrikas
Rail Access Compliance
Independent Pricing and Regulatory Tribunal
PO Box K35
Haymarket Post Shop
Sydney NSW 1240

Dear Matthew

RE: TAHE's compliance with the NSW Rail Access Undertaking 2021-22 Draft Report

Transport Asset Holding Entity NSW (TAHE) welcomes the opportunity to make this submission in response to the Independent Pricing and Regulatory Tribunal's (IPART's) draft report on TAHEs compliance with the NSW Rail Access Undertaking (**Undertaking**) during 2021-22.

TAHE welcomes that IPART's draft decision has found TAHE compliant in all areas assessed. Further, we recognise IPART's positive engagement process when developing its draft decision.

TAHE notes IPART's recommendation that we submit our unders and overs account policy (**Policy**), as required under clause 4(f) of Schedule 3 of the Undertaking, to IPART by 31 March 2023.

We recognise that no exact deadline has previously been set and that one is needed. However, we would like to propose an alternative submission date of 31 May 2023 to ensure genuine consultation with access seekers. 31 May 2023 is the date that TAHE has been working toward and was based on IPART's 2020-21 compliance decision, published in May 2022, which required a Policy to be submitted "within 12 months".¹

TAHE has developed two options for consultation with access seekers: rebates or price adjustments. **Table 1** provides our planned schedule of works to deliver a policy to IPART by 31 May 2023.

¹ IPART, TAHE's compliance for its Hunter Valley Coal Network 2020-21, May 2022.

https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-decision-TAHEs-compliance-for-its-Hunter-Valley-Coal-Network-2020-21-16-May-2022.PDF



Table 1. Plan to complete and submit unders and overs account policy

Task	Date
Establish methodology options for Policy	Complete
Establish data availability and seek expert review of options	By 28 February 2022
Introduce options to impacted access seekers (combined session)	By 28 February 2023
Period for access seekers to query TAHE and develop views (4 weeks)	To 27 March 2023
One-on-one follow-up sessions with impacted access seekers	W/C 27 March 2023
Draft Policy and consultation results	By April 2023
Seek TAHE Board endorsement of Policy	May 2023
Submit to IPART for approval	By 31 May 2023

Should you have any questions regarding this submission, please contact [REDACTED].

[REDACTED]
Lyndal Punch
Chief Financial Officer

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