



Australian
Competition &
Consumer
Commission

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28 August 2010

Ms Liza Carver
Partner
Gilbert + Tobin Lawyers
GPO Box 3810
Sydney NSW 2001

Dear Ms Carver

**Application for authorisation submitted by Pozzolanica Enterprises Pty Ltd –
request for material to be excluded from the public register**

I refer to the application for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) by Pozzolanica Enterprises Pty Ltd (Pozzolanica) on 28 July 2010.

I have considered your request that the confidential version of Pozzolanica's *Submission in support of the Application for Authorisation* and Attachments B (*Interim Fly Ash Supply Agreement*) and C (*Fly Ash Supply Agreement*) to the submission be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the confidential version of Pozzolanica's *Submission in support of the Application for Authorisation* and Attachments B and C to that submission will not be placed on the public register.

This letter has been placed on the ACCC's public register.

I note that you also provided a public version of Pozzolanica's *Submission in support of the Application for Authorisation*. This version will be placed on the public register in the form it was provided to the ACCC.

Should you have any queries in relation to this matter, please do not hesitate to contact Jasmine Tan on (02) 6243 1363.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized capital letter 'R' followed by a horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch