



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/709
Contact Officer: Jasmine Tan
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11 August 2010

[Name]
[Organisation]
[Address]

Dear [Name]

**Pozzolanic Enterprises Pty Ltd application for authorisation A91245
- interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Pozzolanic Enterprises Pty Ltd (Pozzolanic). The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Pozzolanic is seeking authorisation under sections 88(1A) and 88(1) of the Act to make and give effect to the proposed Fly Ash Supply Agreement between itself, Tarong Energy Corporation Limited and Tarong North Pty Ltd. Clause 4.1 of the Agreement allows Pozzolanic to purchase any and all fly ash obtained from the Ash Transfer Points and removed from the Tarong or Tarong North Power Station sites in Queensland. The Agreement would run for approximately three years, expiring on 1 March 2014.

A full copy of the application for authorisation is available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>. Alternatively, you can contact the ACCC to obtain a hard copy of the application and submission.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to Pozzolanica's application for authorisation, please do so by **close of business on 1 September 2010**.

Alternatively, if you would like to provide comments orally, please contact the ACCC to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

28 July 2010	Lodgement of application and supporting submission.
11 August 2010	Public consultation process begins.
1 September 2010	Closing date for submissions from interested parties.
September 2010	Applicant responds to issues raised in the public consultation process.
October 2010	Draft determination.
October/November 2010	Public consultation on draft determination including any conference if called.
December 2010	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

You may be aware that the ACCC is currently undertaking federal court litigation involving Pozzolanica in relation to agreements relating to the acquisition and use of fly ash. The ACCC's assessment of this authorisation application is an entirely separate process. The ACCC has a specific public interest test that it must apply to determine whether to grant authorisation to the Fly Ash Supply Agreement.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Jasmine Tan on (02) 6243 1363 or by email to jasmine.tan@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield
Director
Adjudication Branch