



Australian  
Competition &  
Consumer  
Commission

Our Ref: C2010/709  
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7 October 2010

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Dear Mr Oliver

**Pozzolanica Enterprises Pty Ltd application for authorisation A91245  
- request for further information**

I refer to the above application for authorisation, lodged by Pozzolanica Enterprises Pty Ltd (Pozzolanica) on 28 July 2010.

Thank you for providing the ACCC with Tarong Energy Corporation Limited's (TEC's) submission of 17 August 2010 regarding Pozzolanica's authorisation application.

To assist the ACCC to progress its consideration of the application, the ACCC requests that TEC provide further information on the following:

1. The details of TEC's most likely course of action, if for whatever reason the ACCC were to not grant authorisation. In particular, TEC's potential approach to the sale and/or disposal of fly ash.
2. A detailed explanation of how fly ash is collected from the various zones at Tarong Power Station and Tarong North Power Station and the quality and/or usability of ash obtainable from each of these zones.
3. Pozzolanica has noted in its submission that, under the proposed Fly Ash Supply Agreement, TEC will have the right to vary or revoke Pozzolanica's entitlement to collect fly ash from the Temporary Access Points. Under what circumstances would TEC be likely to invoke this right? If TEC did invoke this right, would it be likely to specify the period for which third party access to Contestable Ash would be available?
4. Under what circumstances would TEC be likely to increase the number of access points available to Pozzolanica?

5. What collection facilities are available to third party fly ash acquirers to access fly ash from:
  - (i) Tarong Power Station
  - (ii) Tarong North Power Station?
6. Interested parties have raised concerns about the ownership of collection facilities at Tarong Power Station and Tarong North Power Station. Please explain why it is that TEC doesn't own all of the fly ash collection facilities at Tarong and Tarong North Power Stations.
7. Details of any arrangements for parties other than Pozzolanic to access fly ash supply from TEC's power stations. If parties are dissatisfied with these arrangements, are there any mechanisms for dispute resolution available? If so, please describe these mechanisms in detail.

To assist the ACCC to progress its assessment of this matter on a timely basis, the ACCC would appreciate if TEC could provide its response by **Friday 29 October 2010**.

As you may be aware, TEC is able to request that information included in a submission relating to this authorisation be excluded from the public register. If a request to exclude information from the public register is made, please provide the ACCC with reasons justifying the claim for the information to be excluded.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please contact Tim Holland on (03) 9290 1938 or at [tim.holland@acc.gov.au](mailto:tim.holland@acc.gov.au) or me on (02) 6243 1266 or at [david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au).

Yours sincerely



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