



Australian  
Competition &  
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Our Ref: C2010/709  
Contact Officer: Tim Holland  
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7 October 2010

Ms Liza Carver  
Partner  
Gilbert + Tobin Lawyers

*By email: [lcarver@gtlaw.com.au](mailto:lcarver@gtlaw.com.au); [gharris@gtlaw.com.au](mailto:gharris@gtlaw.com.au)*

Dear Ms Carver

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

I note that the ACCC wrote to Pozzolanica Enterprises Pty Ltd (Pozzolanica) on 17 September 2010 seeking its comment on the interested party submissions received on the above application.

In addition to commenting on the issues raised by interested parties, the ACCC also requests that Pozzolanica provide further information on the following:

1. The details of Pozzolanica's most likely course of action, if for whatever reason the ACCC were to not grant authorisation.
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. Details of any contracts Pozzolanica and/or related companies currently have with other power stations in Queensland and/or New South Wales including, but not limited to:
  - a. the lengths of any agreements
  - b. quantity of fly ash contracted, and
  - c. provision for third party access to fly ash.
4. In its submission, Sunstate Cement Ltd raises concerns that Pozzolanica may have contracted for far greater quantities of fly ash than it can expect to use. Please respond to these concerns.

5. In its submission, Nucrush Group raises concerns about Pozzolanic's practice of mixing reject ash with unprocessed ash in the ash silo at Tarong North power Station. Please respond to these concerns.
6. Has Pozzolanic been approached by fly ash acquirers about using Pozzolanic's collection facilities to access fly ash at Tarong Power Station? If so, what was the result? What fee does Pozzolanic charge for use of its collection facilities?

Please provide Pozzolanic's response to the above request for further information by **29 October 2010**.

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



David Hatfield  
A/g General Manager  
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