



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/709
Contact Officer: Tim Holland
Contact Phone: (03) 9290 1938

7 October 2010

Mr Robert Cunningham
Partner
Flower and Hart Lawyers

By email: robert.cunningham@flowerandhart.com.au

Dear Mr Cunningham

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

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

Thank you for providing the ACCC with Sunstate Cement Pty Ltd's (Sunstate's) submission of 6 September 2010 regarding Pozzolanic's authorisation application.

To assist the ACCC to progress its consideration of the application, the ACCC would appreciate any further information Sunstate could provide on the following:

1. Can/does Sunstate acquire fly ash from power stations other than Tarong Power Station? If so, please provide the details of the other power stations and the conditions of supply.
2. Sunstate has claimed that the cost of transporting fly ash from sources outside of Queensland makes it uneconomic to do so. Please explain the basis on which this claim is made.
3. What is the current market price for: (i) run of station fly ash, and (ii) fine grade fly ash from Tarong Power Station and Tarong North Power Station?
4. What is the current market price for (i) run of station fly ash and (ii) fine grade fly ash from Pozzolanic?
5. At what price does Sunstate currently sell its (i) run of station fly ash and (ii) fine grade fly ash products? Is this likely to change when Pozzolanic increases the price it charges Sunstate?

6. At page 9 of Sunstate's submission, Sunstate notes that relevant collection facilities at Tarong North Power Station are owned by Tarong North and available for use by Sunstate. Please describe the nature of these collection facilities and how they differ from any collection facilities owned by Pozzolanica at Tarong North Power Station.
7. Has Sunstate approached Pozzolanica about using its collection facilities to access fly ash at Tarong Power Station? If so, what was the result? What fee does Pozzolanica charge for use of its collection facilities?
8. Is Sunstate able to assess the costs of establishing a collection facility at Tarong and/or Tarong North Power Station? Is it practically feasible to construct and operate more than one collection facility at either of the power stations? If so, please expand on those costs.

To allow the ACCC to progress its assessment of this matter on a timely basis, the ACCC would appreciate Sunstate's response by **Friday 29 October**

As you may be aware, Sunstate 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 or me on (02) 6243 1266 or at david.hatfield@acc.gov.au.

Yours sincerely



David Hatfield
A/g General Manager
Adjudication Branch