



**Australian
Competition &
Consumer
Commission**

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

29 October 2010

Mr Michael Cooper
General Manager
Nucrush Group

By email: MichaelC@nucrush.com.au

Dear Mr Cooper

**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 Nucrush Group's (Nucrush) submission of 1 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 Nucrush could provide on the points made in its submission, in particular:

1. Would the proposed third party access to the Temporary Ash Transfer points (pass 4A at zones 1 – 3 and all passes in zone 4), conditional upon TEC providing written notice to Pozzolanic, provide a competitor such as Nucrush with a commercially viable volume of fly ash?
2. To what extent is the Pozzolanic processing plant and any other infrastructure controlled by Pozzolanic at Tarong and Tarong North, such as off-take equipment, likely to limit the ability of Nucrush to gain access to sufficient volumes of quality fly ash?
3. Is it commercially viable for Nucrush to establish off-take equipment at Tarong and/or Tarong North based on the proposed third party access arrangements?

To assist the ACCC to progress its assessment of this matter on a timely basis, the ACCC would appreciate if Nucrush could provide its response by **Monday 8 November 2010**.

As you may be aware, Nucrush 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) 92901938 or at tim.holland@acc.gov.au or Jasmine Tan on (02) 6243 1363 or at jasmine.tan@acc.gov.au.

Yours sincerely



 Dr Richard Chadwick
General Manager
Adjudication Branch