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By email: operations_3@adcomission.gov.au

Director, Operations 3
Anti-Dumping Commission
GPO Box 2013
Canberra ACT 2601
Australia

Dear Sir,

Non-Confidential

Anti-Dumping Investigation – Exports of Power Transformers from China

Further to previous submissions, I refer to Wilson Transformer Company's submission of 25 June 2019 in response to a GE submission regarding the publication of a preliminary affirmative determination (PAD).

Of interest is Wilson Transformer Company's assertion that:

"The GE AU submission does not contain sufficient or adequate evidence that would prevent the Commissioner from considering the publication of a PAD at the earliest opportunity."

This is a curious claim for several reasons. Wilson Transformer Company's application and subsequent submissions seem bereft of any objective, probative evidence but are mere speculative and assumptions unsupported by any evidence. The absence of such evidence means that the initiation of the investigation was not justified. Please refer to Articles 5.2 and 5.3 of the WTO Antidumping Agreement as previously submitted.

Further for the Commissioner to publish a PAD requires the Commissioner to be positively satisfied as to the matters specified in s.269TD of the Customs Act 1901. Clearly the Commissioner is not satisfied of those matters and could not be on any analysis. This is correctly reflected in the Commissioner's day 60 status report. Nothing has changed since then.

Unsurprisingly, the proposition being put forward by Wilson Transformer Company is inconsistent with s.269TD of the *Customs Act 1901*, which requires positive, objective probative evidence and no such evidence has been advanced by Wilson Transformer Company. Again, the wrong test and ambit speculative claims unsupported by objective, probative evidence.

Finally, Wilson Transformer Company refers to injury being caused to it through price suppression... This is surprising given that each power transformer being supplied is unique and the terms and

conditions it is being supplied are unique to the risk matrix over the life of the power transformer to be supplied. Price suppression would not be relevant. In any event, Wilson Transformer Company has publicly acknowledged that it is a high cost manufacturer and competes on other grounds.

Competition on price would not seem relevant and, accordingly, alleged dumping would not be relevant to any injury Wilson Transformer Company claims to have incurred from dumping but provided no evidence of its ambit claims in this regard.

As previously submitted, please see its website for information in this regard.

If you have any queries, please let me know.

Kind regards

A handwritten signature in black ink, appearing to read 'Andrew Percival', with a large, stylized initial 'A'.

Andrew Percival

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