



Level 35, The Tower  
360 Elizabeth Street  
Melbourne Central  
Melbourne Vic 3000

Our ref: 54796  
Contact officer: Isolde Lueckenhausen  
Contact phone: (03) 9290 6982

GPO Box 520  
Melbourne Vic 3001

tel: (03) 9290 1800  
fax: (03) 9663 3699

20 October 2015

Ms Caroline Lovell  
Chief Regulatory Officer  
NBN Co Limited  
Level 11, 100 Arthur Street  
NORTH SYDNEY NSW 2060

[www.accc.gov.au](http://www.accc.gov.au)

**By email:** [carolinelovell@nbnco.com.au](mailto:carolinelovell@nbnco.com.au)

**CC:** [matthewcole@nbnco.com.au](mailto:matthewcole@nbnco.com.au)

Dear Ms Lovell

### **Notice under rule 12 of the NBN Services in Operation RKR in relation to FTTN Network services**

As discussed with Matthew Cole on 7 October 2015, the purpose of this letter is to provide written notice under rule 12 of the NBN Services in Operation Record Keeping Rules<sup>1</sup> (the RKR) of the ACCC's decision to extend the operation of the RKR to NBN Co's Fibre-to-the-Node (FTTN) Network services.

Under rule 12 of the RKR, the ACCC may provide written notice to NBN Co to establish and maintain certain records in relation to a New Network Access Service within 90 days of the notice. This rule applies if NBN Co publishes a Standard Form of Access Agreement in relation to the service and the service is not already captured by the RKR.

NBN Co amended its Wholesale Broadband Agreement to include FTTN Network services on 4 September 2015. Accordingly, the ACCC is providing written notice under rule 12 of the RKR for NBN Co to:

- establish and maintain an electronic record containing information about FTTN Network services which are equivalent to that required by rules 6 to 11 of the RKR
- comply with the reporting requirements in rules 17 to 20 of the RKR in respect of FTTN Network services.

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<sup>1</sup> Issued under s.151BU of the *Competition and Consumer Act 2010* on 8 September 2014.

For ease of reference, we have provided a summary of the required records to be kept in **Attachment A**.

The record keeping requirement will commence on 18 January 2016. If NBN Co has any difficulties complying with these requirements (either in relation to the information being sought or the timing), please consider whether written notice under rule 14 of the RKR may be required.

NBN Co's Integrated Product Roadmap<sup>2</sup> also forecasts an Initial Product Release date for HFC services in 2016. In order for the ACCC to consider whether the RKR should apply to this and other new network access services, we would appreciate NBN Co continuing to advise us of the release of its Standard Form of Access Agreement for such services.

If you have any questions in relation to this letter, please contact Isolde Lueckenhausen on (03) 9290 6982.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sean Riordan', written in a cursive style.

Sean Riordan  
General Manager Industry Structure and Compliance  
Infrastructure Regulation Division

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<sup>2</sup> NBN Co's Integrated Product Roadmap as at July 2015, available at <http://www.nbnco.com.au/content/dam/nbnco/documents/Integrated-Product-Roadmap-Large-Format.pdf>

## **Attachment A**

For each POI at which it offers FTTN Network access services, NBN Co must establish and maintain an electronic record containing the following information:

- (a) The name of the POI.
- (b) The state or territory in which the POI is located.
- (c) The name of each Access Seeker being provided with FTTN Network access services at the POI.
- (d) The total number of FTTN Network access service AVCs supplied in TC-1, grouped by data transfer rate 'tier' as specified in NBN Co's applicable Standard Form of Access Agreement, for each Access Seeker at the POI.
- (e) The total number of FTTN Network access service AVCs supplied in TC-2, grouped by data transfer rate 'tier' as specified in NBN Co's applicable Standard Form of Access Agreement, for each Access Seeker at the POI.
- (f) The total number of FTTN Network access service AVCs supplied in TC-4, grouped by data transfer rate 'tier' as specified in NBN Co's applicable Standard Form of Access Agreement, for each Access Seeker at the POI.