



13 January 2009

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Dear Mr Wright

**Telstra's Band 2 ULLS Undertaking – Confidentiality Claim on TEA Model Route Optimisation Process report and witness statement**

I refer to your letter dated 5 January 2009.

As an initial matter, Telstra wishes to alleviate any concern that ACCC may have that the Statement of Frank Hatzenbuehler (**Statement**) annexing the TEA Model Route Optimisation Process report has not been made available to interested parties. The Statement, consistent with other witness statements submitted by Telstra in this process, is available to interested parties on the same well established terms applicable to Telstra's other confidential material.

Indeed, Telstra received its first request for this Statement on 18 December 2008. The Statement and other confidential documentation referred to in Telstra's letter dated 18 November 2008 were provided to the relevant party that same day. Those documents currently remain available to any other interested party on the usual terms of access.

Although the Statement and the TEA Model Route Optimisation Process report are already available for scrutiny by interested parties, Telstra notes the ACCC's apparent desire to make those documents 'public' in the sense of making them accessible by the world at large via the ACCC website.

Telstra considers that the names and personal details of its employees and external advisers/consultants are, as a general matter, confidential and not appropriate for publication on the ACCC's website. Amongst other concerns, publishing the names, position titles and/or contact details of Telstra employees/advisers/external consultants in materials available on the ACCC's website has real potential to expose those individuals to unwanted public attention. Telstra is willing to provide the ACCC with a sample of disturbed and offensive communications received by Telstra employees in the past following their identities and/or their roles at Telstra becoming public, should the ACCC wish to verify the issues which can arise in this regard.

Notwithstanding that:

- the Statement and the TEA Model Route Optimisation Process report are already accessible by interested parties; and
- the issues which arise when identities of Telstra employees/advisers are made public,

on this occasion and in the interests of resolving the ACCC's apparent concern, this letter attaches an appropriate form of Statement and the TEA Model Route Optimisation Process report which may be published on the ACCC's website.

We trust this resolves the matter.

Yours sincerely,



Tony Warren  
Executive Director Regulatory Affairs  
Public Policy and Communications