



8 May 2019

Mr Michael Cosgrave
Executive General Manager
Infrastructure Regulation
Australian Competition and Consumer Commission
GPO Box 520
Melbourne VIC 3001

By email: michael.cosgrave@acc.gov.au

Dear Mr Cosgrave

Variation to nbn's Special Access Undertaking – Expiring Provisions

nbn's Special Access Undertaking (SAU) is a key part of the regulatory framework that governs the terms on which nbn supplies services to access seekers over the period to 30 June 2040.

The SAU was accepted by the ACCC on 13 December 2013 and commenced operation on this date (SAU Commencement Date).

Within the SAU, there are three provisions that expire at the end of the Financial Year that is 5 years after the SAU Commencement Date (ie. 30 June 2019):

- the endorsed network change provisions in clauses 1D.8 to 1D.12 of the SAU (Endorsed Network Change Provisions);
- the dispute resolution provisions in clause 1H.5 and Annexure 1 to Schedule 1H of the SAU (Dispute Resolution Provisions); and
- the detailed Product Development Forum processes in Annexure 1 to Schedule 1I of the SAU (Detailed PDF Processes),

(together the **Expiring Provisions**).

nbn is giving the ACCC this variation to the SAU in accordance with section 152CBG(2) of the *Competition and Consumer Act 2010 (Cth)*. The amendments proposed in the variation are minor in nature, and seek to extend the operation of the Expiring Provisions from the current expiry date of 30 June 2019 to the end of the Initial Regulatory Period, which ends on 30 June 2023.

The variation does not include any of the changes proposed in nbn's 2017 variation (withdrawn in November 2018), which was focussed on expanding the scope of the SAU's service, product and pricing provisions to include FTTB, FTTN and HFC access technologies. nbn intends to pursue an amended version of the 2017 variation in due course. nbn is currently in the process of working through the feedback provided by the ACCC in November 2018,



including in relation to a number of price-related matters. These matters are not covered by, and are outside the scope of, this variation.

nbn acknowledges the constructive pre-lodgement engagement between the ACCC and **nbn** in relation to the SAU variation. We look forward to the ACCC commencing its consultation process in relation to the SAU variation and to continuing to engage constructively with the ACCC during its consideration of the SAU variation.

Please let me know if you need any further information or would like to discuss anything in this letter or the attached documents.

Yours sincerely

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

Jennifer Crichton
Executive General Manager, Head of Regulatory
nbn