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

Ms Caroline Lovell  
Chief Regulatory Officer  
NBN Co Limited  
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**By email:** [carolinelovell@nbngo.com.au](mailto:carolinelovell@nbngo.com.au)

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

Dear Ms Lovell

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

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) in relation to Fibre-to-the-Building (FTTB) 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 FTTB Network services on 19 December 2014. 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 FTTB 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 FTTB 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 I have provided a summary of the required records to be kept in **Attachment A**.

The record keeping requirement will commence on 13 May 2015. 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 Initial Product Release dates for FTTN and HFC services in 2015 and 2016 respectively. In order for the ACCC to consider whether the RKR should apply to these and other new network access services, we would appreciate notification from NBN Co 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 Sean Riordan on (03) 9290 1889.

Yours sincerely



Michael Cosgrave  
Executive General Manager  
Infrastructure Regulation Division

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<sup>2</sup> NBN Co's Integrated Product Roadmap as at January 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 FTTB 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 FTTB Network access services at the POI.
- (d) The total number of FTTB 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 FTTB 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 FTTB 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.