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4 July 2016

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

By email: carolinelovell@nbnco.com.au

CC: matthewcole@nbnco.com.au

Dear Ms Lovell

Notice under rule 12 of the NBN Services in Operation RKR in relation to NBN's Satellite Network and HFC Network services

The purpose of this letter is to provide written notice under rule 12 of the NBN Services in Operation Record Keeping Rules¹ (the RKR) of the ACCC's decision to extend the operation of the RKR to NBN Co's Satellite Network and Hybrid Fibre Coaxial (HFC) 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 the Satellite Network service and HFC Network service on 7 April 2016 and 16 June 2015

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

respectively. Accordingly, the ACCC is providing written notice under rule 12 of the RKR for NBN Co to:

- establish and maintain electronic records containing information about Satellite Network and HFC Network services which are equivalent to what is required by rules 6 to 11 of the RKR; and
- comply with the reporting requirements in rules 17 to 20 of the RKR in respect of Satellite Network and HFC Network services.

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 no later than three months (90 calendar days) from the date of this letter, being 4 July 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.

We also note that, as per the disclosure direction issued by the ACCC on 21 March 2016,² the information collected under the RKR in relation to Satellite Network and HFC Network services will be included in future market indicators reports for NBN access services.³

NBN Co's Integrated Product Roadmap⁴ forecasts additional product releases through 2017 and beyond. In order for the ACCC to consider whether the RKR should apply to other new network services, we would appreciate NBN Co continuing to advise us of the release of its Standard Form of Access Agreement for such services.

We note that the RKR will continue to apply to the Interim Satellite access service while NBN Co offers that service.

If you have any questions in relation to this letter, please contact Shane Grosser on (03) 9290 1846.

Yours sincerely



Sean Riordan
General Manager Industry Structure and Compliance
Infrastructure Regulation Division

² The ACCC Disclosure Direction to NBN Co is available at <https://www.accc.gov.au/system/files/Disclosure%20Direction.pdf>.

³ The initial NBN Wholesale Market Indicators Report is available at <https://www.accc.gov.au/regulated-infrastructure/communications/national-broadband-network-nbn/nbn-wholesale-market-indicators-report/initial-report>.

⁴ NBN Co's Integrated Product Roadmap as at April 2016, available at <http://www.nbnco.com.au/content/dam/nbnco/documents/Integrated-Product-Roadmap.pdf>.

Attachment A

Record keeping rules for Satellite Network access services

For each POI at which it offers Satellite 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 Long Term Satellite access services at the POI.
- (d) The total number of Long Term Satellite 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 Long Term Satellite 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.

Record keeping rules for HFC Network access services

For each POI at which it offers HFC 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 HFC Network access services at the POI.
- (d) The total number of HFC 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 HFC 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 HFC 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.