

21 September 2012

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Analena Gilhome

Director, NBN Co Access Co-ordination – Communications Group

Australian Competition and Consumer Commission

Level 35, 360 Elizabeth Street

Melbourne, VIC 3000

Dear Ms Gilhome

Amendment to statement of differences lodged 23 August 2012— Wholesale Broadband Agreement

As of 1 August 2012, 44 access seekers had entered into access agreements based on the Wholesale Broadband Agreement (**WBA**). The WBA is published by NBN Co on its website as a standard form of access agreement (**SFAA**) under section 152BE of the *Competition and Consumer Act 2010 (CCA)*.

On 17 August 2012, NBN Co issued a notification to all 44 of these access seekers that the terms of their access agreements would be changing via notice under the change management provisions contained in those agreements. The names of these access seekers are provided at **Attachment A** to this letter.

On 23 August 2012, NBN Co lodged a statement of differences relating to the 17 August 2012 notification. This letter is an amended version of that statement of differences.

NBN Co is providing this statement of differences in the form specified in the draft *Part XIC non-discrimination guidelines* published by the ACCC in April 2012.

The changes notified to customers on 17 August 2012 have an effective date 28 September 2012 with respect to all access agreements based on the WBA in effect at that time. No additional action by any of these access seekers is necessary for these changes to become effective once the notice period expires.

Enclosed is a marked-up copy of the relevant parts of one of these access agreements (without identifying the relevant access seeker), for the purpose of specifying how these changes to the access agreements notified on 17 August 2012 differ from the SFAA published as at that date.

On expiry of the notification period (*ie*, on 28 September 2012), the access agreements of all 44 access seekers will be changed in the following respects:

1. **WBA Product Catalogue—NBN Co Operations Manual:** amendments to provide for: the introduction of the wireless product (NWS); the introduction of Multicast as an optional feature of the fibre product (NFAS); updates and clarifications to the appointment management and ordering content of the Activations and Assurance modules; updates to the Trouble Ticket stages; specifying conditions for Battery Alarm warranty claims; clarification of certain process flow diagrams within the Assurance module; and other consequential changes.
2. **Platform Interfacing Service - B2B Access component:** amendments to the following Specifications to support Industry Interface Release 3.0:
 - o B2B Interaction Business Processes Technical Specification;
 - o NBN Co Product Attributes and Business Rules Technical Specification;

- ManageInventory V1.0 IndustryInterface Interface Functional Specification;
- ManageInventory V1.0 IndustryInterface Interface Technical Specification;
- ManageProductOrder V2.0 IndustryInterface Interface Functional Specification;
- ManageProductOrder V2.0 IndustryInterface Interface Technical Specification;
- ManageServiceQualification V1.0 IndustryInterface Interface Functional Specification;
- ManageServiceQualification V1.0 IndustryInterface Interface Technical Specification;
- ManageTroubleTicket V1.0 IndustryInterface Interface Functional Specification; and
- ManageTroubleTicket V1.0 IndustryInterface Interface Technical Specification.

Any terms not defined in this letter should be read as defined in the marked-up copies of the relevant parts of these access agreements provided with this letter.

NBN Co provides this statement of differences having regard to section 152BEBA of the CCA. While the relevant access agreements will not actually be varied until the expiry of the notification period (*ie*, on 28 September 2012), the SFAA had not been updated to incorporate the notified variations on 17 August 2012, *ie*, when the variation notifications were sent out to all access seekers. The changes will be reflected in the SFAA in advance of their becoming effective in access seekers' individual access agreements on 28 September 2012. Accordingly, there will be no relevant difference between the SFAA and access agreements as at 28 September 2012.

Please do not hesitate to contact me if you have any queries.

Sincerely,



Caroline Lovell

Principal, Regulatory Affairs and Industry Engagement

Attachment A:
Wholesale Broadband Agreement customers as at 17 August 2012

1. AAPT Limited
2. AARNet Pty Ltd
3. Adam Internet Pty Ltd
4. Amcom Pty Ltd
5. Anittel Communications Pty Ltd
6. Aurora Energy Pty Ltd
7. Aussie Broadband Pty Ltd
8. Australian Nomad Technologies Pty Ltd (t/a ANT)
9. Australian Private Networks Pty Ltd (t/a Activ8me)
10. Bluemaxx Communications Pty Ltd
11. Broadband MultiNet Pty Ltd
12. Broadband Solutions Pty Ltd
13. Clear Networks Pty Ltd
14. Community Telco Australia Pty Ltd
15. Comscentre Networks Pty Ltd
16. Eftel Pty Ltd (formerly Platform Networks Pty Ltd) (Dodo/Eftel incl)
17. EveryNet Pty Ltd
18. Exetel Pty Ltd
19. Golden IT Pty Ltd
20. Harbour IT Pty Ltd
21. iiNet Limited
22. Indigo Telecom (Aust) Pty Ltd
23. Internode Pty Ltd
24. ispONE Pty Ltd
25. iTalk (Australia) Pty Ltd
26. iTelecom Wholesale Pty Ltd
27. iVoisys Pty Ltd
28. Logic IT Solutions Pty Ltd
29. Macquarie Telecom Pty Ltd
30. NEC Australia Pty Ltd
31. Network Technology (Aust) Pty Ltd (t/a On the Net)
32. Nextgen Networks Pty Ltd
33. On Q Network Operations Pty Ltd
34. Optus Networks Pty Ltd
35. Orion Satellite Systems Pty Ltd (t/a Reachnet)
36. Primus Telecommunications Pty Ltd
37. SkyMesh Pty Ltd
38. Symbio Wholesale Pty Limited
39. Telco In a Box Pty Ltd
40. Telstra Corporation Ltd
41. TPG Internet Pty Ltd
42. TransACT Capital Communications Pty Ltd
43. Vodafone Hutchison Australia Pty Ltd
44. Vocus Pty Ltd