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Mr Iain Little
Director of Equivalence, Regulatory Sustainability, External Affairs & Legal
Telstra Corporation Limited

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Dear Mr Little

Re: Notification of Excluded Event under the Migration Plan

Thank you for your letter of 10 March 2021 notifying the ACCC of an Excluded Event under the Migration Plan arising from NBN Co's decision to pause its HFC network migration.

I note that as a consequence of the pause, Telstra and NBN Co have agreed to revised disconnection arrangements to ensure that customers are not disadvantaged, and Telstra is actively monitoring any risks to service continuity.

An Excluded Event under the Migration Plan is defined to include a matter which falls outside Telstra's responsibilities under the Plan and a failure by NBN Co to do or not to do the thing on which an obligation of Telstra under the Plan is dependent. The ACCC agrees that NBN Co's decision to pause its HFC network migration constitutes an Excluded Event.

The ACCC is satisfied that Telstra has met its obligation under the Migration Plan to notify the ACCC of an Excluded Event as soon as reasonably practicable after it becomes aware that the Excluded Event has materially affected its performance under the Plan. Telstra will not contravene the Migration Plan to the extent the Excluded Event causes delays or failure to perform its obligations under the Plan.

I note that Telstra is required to notify the ACCC as soon as reasonably practicable after it becomes aware that the Excluded Event has been remedied or ceases to materially affect its obligations under the Migration Plan.

Ifa Rushdi can be contacted on (03) 9658 6401 if you would like to discuss this matter.

Yours sincerely

Sean Riordan
General Manager
Communications Markets and Advocacy Branch