

19 November 2013

Mr Michael Cosgrave
Australian Competition and Consumer Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne VIC 3000

Dear Michael,

NBN Co response to ACCC Notice to Vary the NBN Co SAU

Please find enclosed a varied undertaking in response to the ACCC's Notice to Vary NBN Co's Special Access Undertaking (**SAU**) issued on 8 October 2013 pursuant to section 152CBDA(2) of the Competition and Consumer Act (**CCA**).

NBN Co's response includes the following documents:

- a Clean version of the executed version of the varied SAU in PDF format;
- a Clean version of the varied SAU in MS-Word format;
- a marked-up version of the varied SAU compared to the original SAU lodged by NBN Co on 18 December 2012, in both MS-Word and PDF formats;
- a further marked-up version showing the additional minor editorial changes that have been included by NBN Co in the varied SAU when compared against the Notice to Vary (as explained below).

The varied SAU provided by NBN Co in response to the ACCC's Notice to Vary NBN Co's SAU is identical to the attachment to the Notice to Vary issued by the ACCC, with the following minor modifications:

1. Clause 2C.7.4(a)(i) - the cross reference to clause 2C.7.2 has been corrected to clause 2C.7.7.
2. Clause 11.3.2(a) and (b) - the cross-references in this clause, while correct in the marked-up attachment to the Notice to Vary, were incorrectly updating to clause 11.1.1(a) in the clean version of the attachment, instead of 11.1.1(b) – this has been corrected.
3. Clause 1D.4.2(a) - the cross-reference in this clause, while correct in the marked-up attachment to the Notice to Vary, was incorrectly updating to "(a)(i)(A)" in the clean version of the attachment, rather than the full cross reference which is "1D.4.1(a)(i)(A)" – this has been corrected.
4. The date shown on the front and inside cover pages of the document has been changed from "[x] October" to "18 November".
5. NBN Co has made some minor corrections to the headers in the clean version of the SAU and has also removed extra blank pages.

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To the extent that NBN Tasmania Limited is a party to the SAU and makes commitments under the SAU, NBN Tasmania Limited formally withdraws the SAU lodged pursuant to section 152CBA(2) of the CCA on 18 December 2012. NBN Co Limited consents to the removal of NBN Tasmania Limited as a party to the SAU and the withdrawal of the SAU lodged by NBN Tasmania Limited.

NBN Co Limited confirms that it remains a party to the SAU lodged on 18 December 2012 under section 152CBA(2) of the CCA and that the varied SAU attached to this letter is solely given by NBN Co Limited pursuant to section 152CBDA(2) of the CCA. NBN Co Limited and NBN Tasmania Limited have amended the varied SAU to remove NBN Tasmania Limited as a submitting party.

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

Yours sincerely



Caroline Lovell
Head of Regulatory Affairs & Industry Analysis