



20 May 2022

Ms Sarah Proudfoot
Executive General Manager, Infrastructure Division
Australian Competition and Consumer Commission
Level 17, 2 Lonsdale Street
MELBOURNE VIC 3000

Dear Ms Proudfoot,

NBN Co's SAU Variation – Updated public version of SAU Supporting Submission

I refer to **nbn's** proposed special access undertaking variation lodged with the ACCC on 29 March 2022 (**SAU Variation**), **nbn's** supporting materials provided to the ACCC at that time and subsequently, and **nbn's** related correspondence with the ACCC regarding the confidentiality and publication of those materials.

As you know, **nbn** provided public and confidential versions of various supporting materials to the ACCC with its SAU Variation in late March 2022 and early April 2022. **nbn's** cover letter of 29 March 2022 noted that **nbn** did so on the basis that **nbn** proposed to establish confidentiality arrangements to facilitate appropriate third party access to particular types of confidential information, consistent with the ACCC's Confidentiality Guideline for submitting confidential material to ACCC communications inquiries (**Confidentiality Guideline**)¹ and the process used during the ACCC's 2021 industry working groups and other significant telecommunications access matters, including previous matters in relation to **nbn's** SAU.

The ACCC has since communicated its view that it is not appropriate to apply the ACCC's Confidentiality Guideline in this matter or to manage confidentiality claims in supporting materials and submissions through the use of confidentiality agreements at this stage of the process. Following further communications with the ACCC on such issues, **nbn** has provided the ACCC with updated confidential versions of particular materials in support of the SAU Variation. In addition, and in response to the ACCC's request, **nbn** now encloses an updated public version of its SAU Supporting Submission, in which **nbn** has redacted commercially and competitively sensitive material over which **nbn** makes a confidentiality claim. **nbn** consents to the ACCC publishing the enclosed public version of that document. **nbn** also consents to the ACCC publishing this letter and **nbn's** original cover letter provided to the ACCC in relation to the SAU Variation, dated 29 March 2022.

As noted in **nbn's** letter of 29 March 2022, **nbn** considers that the commitments in the SAU Variation address the needs and concerns of stakeholders and welcomes the ACCC's public consultation process. **nbn** remains ready and willing to continue its constructive engagement with the ACCC and industry during and following the ACCC's

¹ See: <https://www.accc.gov.au/publications/communications-inquiries-submitting-confidential-material>



consultation process, to ensure the SAU Variation, as a whole, continues to meet the relevant statutory criteria. Ultimately, the SAU submitted by **nbn** must balance the needs and concerns of all parties, and enable **nbn** to remain a sustainable commercial enterprise which can continue to implement government policy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane van Beelen', is positioned below the 'Yours sincerely' text.

Jane van Beelen
Chief Legal & Regulatory Officer