

18 September 2013

Robert Wright  
General Manager  
Access Operations and Pricing – Communications Group  
Australian Competition & Consumer Commission  
Level 35, The Tower  
360 Elizabeth Street  
Melbourne VIC 3000

By Facsimile: 03 9663 3699

Dear Mr Wright,

**Re: Fixed Services Review Declaration Inquiry - confidential information**

We refer to your letter dated 13 September 2013 reference 50124 concerning confidentiality of submissions to the Fixed Services Review.

The ACCC's approach on this matter raises serious concerns for us.

We wholeheartedly support open and transparent processes for the inquiries conducted as part of the ACCC Fixed Services Review however we do not accept that open submissions are required or beneficial and we are particularly concerned that the ACCC may place less weight on the confidential portions of submissions if the information provider does not allow other parties to view and comment on that material.

My Net Fone is a small player in a highly competitive market dominated by a handful of large players. It is a significant investment for a small company to pull together a submission to the ACCC inquiry. We do that willingly because we want to help the ACCC understand the position of small players and how the industry operates, with the aim of achieving regulatory reform to create a more level playing field and encourage greater competition in the industry.

We were able to provide a frank submission backed up with commercially sensitive data, vision and strategy related to our own experiences and dealings in the industry because we knew it was protected by confidentiality obligations.

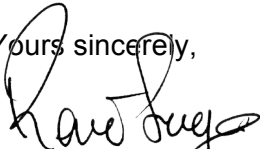
Making submissions available to others in the industry, even under confidentiality and limited use undertakings as suggested by the ACCC, poses significant risk to the information provider. It could significantly weaken the information provider's negotiating position with suppliers who are also competitors, not just related to declared services but also, and more importantly, related to non-declared services. It could also compromise business relationships and partnerships, which in an industry so reliant on co-operation and interconnection for operation, could jeopardise a provider's ability to interwork with others. This would undermine the fundamental competition objective of "any to any" connectivity.

Making submissions available publicly or to others in the industry does not guarantee an open and transparent process. It may well result in the ACCC receiving more guarded submissions, lacking detail and not backed up by commercially sensitive supporting information.

We strongly believe that a confidential submission process facilitates more open submissions and gives the ACCC the best chance of gaining true insights into the industry. This will help to inform policy and regulation for fairer competition in the industry and better outcomes for consumers.

We urge the ACCC to give equal weight to confidential portions of submissions.

Yours sincerely,



Rene Sugo  
Chief Executive Officer  
MyNetFone Limited