



2 June 2023

Ms Sarah Proudfoot
Executive General Manager, Infrastructure Division
Australian Competition and Consumer Commission
By email: sarah.proudfoot@acc.gov.au

CC:

Ms Gina Cass-Gottlieb – Chair
Ms Anna Brakey – Commissioner
Ms Liza Carver – Commissioner
Mr Peter Crone – Commissioner

Dear Ms Proudfoot

Further targeted responses to issues raised in ACCC Draft Decision on the variation to nbn’s Special Access Undertaking (SAU)

We write in response to the ACCC’s Draft Decision published on 2 May 2023 (**Draft Decision**) in relation to the Special Access Undertaking variation lodged by **nbn** on 29 November 2022 (**November SAU Variation**).

nbn has considered a range of issues raised by the ACCC, RSPs and other interested parties, and provides targeted responses to a number of those issues in the attached materials.

- 50/20 Mbps cost certainty
- Grant funding of capital expenditure (Annexure 1 to this letter)
- Entry Level Offers (Annexure 2 to this letter)
- Low Income Forum (Annexure 3 to this letter)

The attached materials describe and/or set out a number of further amendments **nbn** is proposing to make to the November SAU Variation to address feedback received. In a limited number of cases, these materials also provide an explanation as to why **nbn** is unable to adopt the specific change in the manner suggested by the ACCC or RSPs.

nbn would welcome the ACCC publishing the above listed materials, and this letter, on its website.

It is important to consider these materials in the context of the significant concessions that **nbn** has already offered as part of the November SAU Variation and in **nbn**’s letter to the ACCC on 24 March 2023.



nbn remains committed to engaging constructively with the ACCC and industry to ensure we have a varied, fit-for-purpose SAU in place as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Usman', with a horizontal line underneath.

Usman Saadat

Executive General Manager, Regulatory Affairs