

Competition and Consumer Act 2010

Notice of extension of decision making period pursuant to section 152CBG(9)

1. Pursuant to section 152CBG(9) of the *Competition and Consumer Act 2010* (Act), the Australian Competition and Consumer Commission (ACCC) further extends the period for making a final decision in respect of a proposed variation to the special access undertaking (SAU) provided by NBN Co Limited (ACN 136 533 741) on 8 May 2019, by three months.
2. The ACCC has been unable to make a final decision on the proposed variation within the six-month period referred to in section 152CBG(7) of the Act and the extensions to that period made pursuant to section 152CBG(9) of the Act, due to NBN Co consulting on proposed changes to its Product Development Forum (PDF) arrangements.
3. The ACCC considers that the extension of the decision making period is necessary to allow the ACCC to consider the outcomes of NBN Co's consultation on its PDF arrangements, which we consider are relevant to our assessment of the proposed SAU variation.

Note 1: On 20 May 2019, the ACCC published NBN Co Limited's proposed variation to the SAU and supporting materials on its website.

Note 2: On the same date, the ACCC published a note to stakeholders and invited submissions from stakeholders until 10 June 2019.

Note 3: On 27 November 2019, the ACCC extended the decision making period by three months to seek further information from NBN Co about the operation of its PDF processes and allow sufficient time to consider this information before making a decision to accept or reject the proposed SAU variation.

Note 4: On 26 February 2020, the ACCC further extended the decision making period by three months.

Note 5: On 21 May 2020, the ACCC further extended the decision making period by three months.

Note 6: On 26 August 2020, the ACCC further extended the decision making period by three months.

Note 7: The current expiry date of the decision making period is 28 February 2021.

Dated this 25th day of November 2020



Sarah Proudfoot
Acting Executive General Manager, Infrastructure Regulation Division
Australian Competition and Consumer Commission