



Swoop Telecommunications Pty Ltd

ACN 87 109 931 731

1A, 155 Queen Street, Warragul VIC 3820

Phone 1300 66 55 75 | swoop.com.au

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Australian Competition & Consumer Commission

Sean Riordan

General Manager Communications Markets and
Advocacy

Sean.Riordan@acc.gov.au

Scott Harding

Executive Director, Communications Markets and
Advocacy

Scott.Harding@acc.gov.au

Swoop Submission on ACCC's Consultation Paper on Proposed Variation to the NBN Co Special Access Undertaking (23 August 2023)

Dear Mr Riordan and Mr Harding,

Swoop is a challenger telco, relying on the nbn to provide national coverage to our customers.

Larger providers have always been advantaged by the nbn pricing construct, resulting in the few large-scale providers attaining a competitive edge in the market and reducing consumer options for great nbn products.

The most recent SAU provides price certainty to smaller challenger providers allowing them to offer a greater range of nbn services to end users and goes some way to leveling the playing field.

Swoop generally supports the latest SAU and encourages the ACCC to and nbnco to move forward with it.

Swoop acknowledges the process in which the ACCC has managed the difficulties and challenges associated with the SAU variation, particularly the sensitivity to smaller scaler operators such as Swoop.

Due to the extended duration of the process so far, we urge the ACCC to expedite their final decision regarding the recent NBN Co SAU variation suggestions. It's vital to meet the industry's demand for maximum certainty as soon as possible.

Swoop agrees that there is no need for a further draft decision with a related further round of submissions.

However, at the same we urge the ACCC to strongly encourage NBN Co to reconsider its approach to allocating the \$20 million transition fund in a more equitable way.

As the transition fund does not constitute part of the SAU variation, this can be remedied without any further delay to the SAU variation process.

Yours sincerely,

Tom Berryman
Chief Technology Officer
tom.berryman@swoop.com.au