

14 April 2022

Luke Adams
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Australian Competition & Consumer Commission
Level 18, 2 Lonsdale Street
Melbourne VIC 3000

By email: luke.adams@acc.gov.au
Copied to: Transmission&FacilitiesAccess@acc.gov.au

Dear Luke,

RE: Record Keeping Rules (RKR) update: Infrastructure RKR, Division 12 RKR and Internet Activity RKR Consultation Paper

We welcome the ACCC's Consultation Paper regarding proposed amendments to the RKR's to reflect the consolidation of several TPG Telecom group companies into one reporting entity. Thank you for the ACCC's consideration of our request.

The proposed amendments will enable us to simplify and integrate our record keeping and reporting. These changes will also enable us to align the information we provide to the ACCC under the RKR's with our external reporting following the VHA/TPG merger, noting that our annual and half yearly financial reports generally provide data on a consolidated group basis.

In answer to the specific questions raised in the Consultation Paper:

1. *Do you have any comments about the proposed changes to the RKR's to consolidate the reporting of various TPG entities and related companies under one reporting entity, namely TPG Telecom Limited (096 304 620)?*

Our comments are minor in nature and are intended to clarify the effect of the proposed changes, for the avoidance of any doubt.

For consistency with the interpretation clauses in the RKR's, we suggest that the ACCC amend the first use of "*this record-keeping rule*" in the draft additions to the RKR's (in red text) to "*these Rules*".

We note that under the RKR's, certain information must be provided if an entity varies the method of defining, recording and reporting information from a previous reporting period (see paragraph 7(5) of the Draft Division 12 RKR and paragraph 6(5) of the Draft Internet Activity RKR). For the avoidance of doubt, we would appreciate the ACCC confirming that there is no requirement for a TPG entity to provide such information where the variation in methodology is due to the consolidation of TPG Telecom's reporting into one entity.

Separate to the reporting obligations, we understand that the effect of the changes is that each relevant TPG Telecom entity will no longer be required to keep and retain records of relevant information on a separate single entity basis, i.e. TPG Telecom may keep and retain records on a consolidated or aggregated group basis.

We would appreciate it if these matters could be confirmed, for example, in the ACCC explanatory statement.

2. *Are there any issues arising from consolidation of TPG's reporting that might impact the public's use of any RKR data that is publicly disclosed?*

We consider no issues arise from consolidation of TPG Telecom's reporting that might impact the public's use of any RKR data that is publicly disclosed. We believe the changes will enable a more holistic view of TPG Telecom's position in the telecommunications sector.

3. *Is the proposed timeframe for implementation sufficient?*

The proposed timeframe for implementation is sufficient for TPG Telecom.

We note it is not mandatory for TPG Telecom to perform its obligations under the RKR's on a consolidated basis, given the use of the word "may" in the draft additions to the RKR's (in red text). TPG Telecom will advise the ACCC if we are unable to implement the change for the reference dates identified in the Consultation Paper.

Should you have any further questions, please feel free to contact Stephanie Phan, Industry Strategy Manager TPG Telecom, at [REDACTED]

Yours sincerely,

[REDACTED]

James Rickards
General Manager – External Affairs
TPG Telecom Limited