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12 August 2026

Usman Saadat
Executive General Manager, Economic Regulation
NBN Co
Level 16, 100 Mount Street
NORTH SYDNEY NSW 2060

Dear Usman

RE: ACCC Replacement Module Determination – Benchmark service standards – Commitment to review the speed capacity service standards on FTTP and HFC networks and on the fixed wireless network

I write in relation to two benchmark services standards proposed in the ACCC's draft Replacement Module Determination, published on 31 March 2026 (draft determination), in advance of the ACCC making its final Replacement Module Determination for the second regulatory cycle (final determination) under NBN Co's Special Access Undertaking (SAU).

The ACCC is still considering the matters to be determined in its final determination and has not yet formed concluded views on the matters raised in this letter, or any other matters to be included in its final determination.

Review of the proposed new FTTP and HFC speed capacity service standard

Our draft determination outlined our preliminary view to adopt NBN Co's new benchmark service standard on speed capacity for FTTP and HFC networks with some proposed changes.[1] Section 15 of Annexure D to the draft determination contains the proposed benchmark service standard.[2]

In its submission in response to our draft determination, NBN Co proposed to include within its Standard Form of Access Agreement for WBA6 an obligation to undertake a review of the proposed FTTP and HFC speed capacity service standard by no later than January 2028.[3]

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1 ACCC, *Draft replacement module determination – regulatory cycle commencing 1 July 2026*, 31 March 2026, pp. 71-74.

2 ACCC, *Draft replacement module determination – regulatory cycle commencing 1 July 2026*, 31 March 2026, pp. 224-227.

3 NBN Co, *Submission to the ACCC draft replacement module determination*, Part B, 18 May 2026, pp. 18-19.

During recent engagement with the ACCC, NBN Co signalled that it would be prepared to provide the ACCC with a letter committing to undertake a review of the FTTP and HFC speed capacity service standard in preference to having a review mandated in the benchmark service standards themselves.

To support the ACCC in making the final determination, we ask NBN Co to commit to the ACCC in writing that, in the event the ACCC decides to make the proposed FTTP and HFC speed capacity service standard in section 15 of Annexure D to the draft determination in the final determination, NBN Co will undertake a review, by no later than 31 January 2028, that:

- evaluates the performance of the FTTP and HFC networks against the relevant Performance Objectives specified in the new benchmark service standards in connection with FTTP and HFC speed capacity
- evaluates the performance of the FTTP and HFC networks against the Peak Information Rate (PIR) Thresholds and whether overhead allowance should be included as part of the peak information targets.

We also ask that NBN Co commit to us in writing that it will make a copy of the review available to the ACCC.

Review of the proposed new fixed wireless speed capacity service standard

Our draft determination outlined our preliminary view to adopt NBN Co's new benchmark service standard on speed capacity for the fixed wireless network with some proposed changes.[4] Section 16 of Annexure D to the draft determination contains the proposed benchmark service standard.[5]

During recent engagement with the ACCC, NBN Co signalled that it would be prepared to provide the ACCC with a letter committing to undertake a review of the proposed fixed wireless speed capacity service standard in preference to having a review mandated in the benchmark service standards themselves.

To support the ACCC in making the final determination, we ask NBN Co to commit to the ACCC in writing that, in the event the ACCC decides to make the proposed fixed wireless speed capacity service standard in section 16 of Annexure D to the draft determination in the final determination, NBN Co will undertake a review, by no later than 31 January 2028, that evaluates the performance of the fixed wireless network against the relevant Performance Objectives specified in the new benchmark service standards in connection with fixed wireless speed capacity.

We also ask that NBN Co commit to us in writing that it will make a copy of the review available to the ACCC.

Next steps

We request that NBN Co provide a letter providing the commitments requested above by 4:00pm AEST on Friday 14 August 2026.

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4 ACCC, *Draft replacement module determination – regulatory cycle commencing 1 July 2026*, 31 March 2026, pp. 74-77.

5 ACCC, *Draft replacement module determination – regulatory cycle commencing 1 July 2026*, 31 March 2026, pp. 228-229.

We intend to publish this letter, along with NBN Co's response, on the ACCC's website with our final determination.

Please let me know if you have any questions or if you would like to discuss.

Yours sincerely

Michael Drake
A/g General Manager
NBN SAU Unit