



Our ref: MA1000021

Contact officer: Tim Byrne
Contact phone: (03) 9658 6440

12 July 2022

Singtel Optus Pty Ltd
Haydn Flack
Partner, MinterEllison

Via email: [REDACTED]

Dear Haydn

Re: Telstra TPG Merger authorisation application (MA1000021)

We refer to your conversation with Tim Byrne on 7 July 2022 regarding the limited disclosure to Telstra and TPG (**Applicants**) of certain information in Optus' submission dated June 2022, being information that is currently redacted in the public version of the submission.

The ACCC understands Optus and the Applicants have now reached agreement for the Applicants to access certain information in Optus' submission, subject to a confidentiality protocol agreed between the parties on 8 July 2022.

The ACCC supports limited disclosure of certain information in Optus' submission to the Applicants because it expects that informed responses to Optus' submission will likely be important to the ACCC's assessment of the application, and these responses may materially inform the ACCC's assessment of the proposed arrangements between the Applicants in the Australian context.

We understand that Optus is considering which information to disclose to the Applicants. The ACCC considers that it is particularly important that the following parts of Optus' submission be included in the information disclosed pursuant to the confidentiality protocol:

- a. Paragraphs relating to the impact of the proposed arrangements on Optus
 - i. Paragraph 7.60 (not including the last sentence)
 - ii. Paragraphs 7.66 and 7.69
 - iii. Paragraph 7.70 (not including the second sentence)

- b. Paragraph relating to Optus in the counterfactual
 - i. Paragraph 6.30
- c. Paragraphs relating to Optus' 5G plans
 - i. Paragraphs 6.21, 6.23 and 7.52 to 7.55
- d. Paragraphs relating to market shares
 - i. Paragraphs 3.22 to 3.24.

The ACCC supports limited disclosure of this additional detail because the ACCC considers it would benefit from the views of the Applicants regarding the impact of the proposed arrangements on Optus and about the counterfactual as it relates to Optus.

If Optus and the Applicants cannot reach agreement in respect of disclosure of this additional detail, please provide reasons to the ACCC.

The ACCC reserves its position with respect to considering whether it is reasonable and appropriate for it to make further disclosure pursuant to section 89(7) of *the Competition and Consumer Act 2010*.

We propose placing a version of this correspondence on the public register. Please advise by 5:00pm on 14 July 2022 whether Optus has any concerns in this regard.

If you wish to discuss this letter, please contact Tim Byrne (03 9658 6440 or at tim.byrne@acc.gov.au), Jaime Martin (03 9290 1477 or at jaimemartin@acc.gov.au), or Andrew Gun (03 9290 1853 or at andrew.gun@acc.gov.au).

Yours sincerely



Bruce Mikkelsen
Acting General Manager
Merger Investigations