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Our ref: MA1000021  
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14 September 2022

Telstra Corporation Limited  
Andrew Low  
Partner, Gilbert+Tobin

By email: [REDACTED]  
CC: [REDACTED]

Dear Andrew,

**Re: Telstra TPG merger authorisation application (MA1000021) – Telstra TPG MOCN – Information Request**

We refer to the abovementioned application for authorisation lodged with the Australian Competition and Consumer Commission (the **ACCC**) on 23 May 2022 by Telstra Corporation Ltd and TPG Telecom Ltd (altogether, the **Applicants**).

In order to assist the Australian Competition and Consumer Commission's (**ACCC**) review of the proposed acquisition, the ACCC requests Telstra Corporation Ltd provide the information and documents set out in **Attachment A** by no later than **COB 19 September 2022**.

If Telstra Corporation Ltd claims confidentiality over some or all of the information provided to the ACCC, please highlight the specific information in your response over which confidentiality is claimed. The ACCC accepts information on a confidential basis provided:

- there is no restriction on the internal use, including future use, that the ACCC may make of the information consistent with its statutory functions;
- the confidential information may be disclosed to the ACCC's external advisors and consultants on condition that each such advisor or consultant will be informed of the obligation to treat the information as confidential; and
- the ACCC may disclose the confidential information to third parties (in addition to its external advisors or consultants) if compelled by law or in accordance with section 155AAA of the Competition and Consumer Act 2010 (Cth).

Merger parties and their lawyers should ensure that information provided to the ACCC is correct and not misleading, including by omission of material information. Submissions should be supported by factual information and accurately reflect the commercial experience of the merger parties. The provision of information that misrepresents the facts, or omits material issues or information, may delay the ACCC's investigations. Giving false or misleading information is a serious offence under the *Criminal Code* (Cth) (sections 137.1).

In addition, if the ACCC becomes aware that it has formed a view on the proposed acquisition on the basis of information that was inaccurate or misleading, the ACCC may reconsider the proposed acquisition and take any action it considers appropriate, including initiating proceedings.

If you wish to discuss any aspect of this letter, please contact Mandy Bendelstein on (02) 9102 4037 or at [mandy.bendelstein@acc.gov.au](mailto:mandy.bendelstein@acc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'DM McCracken-Hewson', with a long horizontal flourish extending to the right.

Daniel McCracken-Hewson  
General Manager  
Merger Investigations

## Attachment A: ACCC request for further information

### Fixed Wireless Access (FWA)

1. Telstra submits at paragraph 196 [Confidential to Telstra] of its Tranche 2 response to Optus' interested party submission and ors that [REDACTED]

Provide a copy of these contractual commitments.

2. Provide Telstra's estimate of the total number of FWA services that Telstra could support using the additional spectrum holdings that it will obtain from TPG Telecom Limited pursuant to the Proposed Transaction and any documents that evidence this.
3. FWA will only be supplied to TPG over the 3.6GHz spectrum band on a 5G standalone basis, and therefore not support 5G non-standalone pursuant to Schedule 2, clause 1(a) (xv) and Annexure A to Schedule 2 of the MOCN Agreement.

Provide an explanation as to why FWA will only be supplied to TPG on a 5G standalone basis and why 4G FWA services are excluded from the MOCN Agreement.

### Future technological developments

4. We refer to the Application at [194] and the Telstra Response to the Regional Communications Review 2021 Issues paper (AP-03 to the Penn Statement) at page 6. In respect of future technological developments in mobile services and telecommunications infrastructure, please identify:
  - a. for both metropolitan areas and the 80%+ coverage area:
    - (i) the approximate year you expect each MNO to launch 6G in both a future with the Proposed Transaction and a future without the Proposed Transaction, and the basis for that view
    - (ii) the growth in data demand and anticipated technological responses in the telecommunications sector you expect to occur over the next 5 to 12 years, and the basis for that view
    - (iii) to the extent not identified in your response to (ii), the developments you expect to occur in respect of neutral host services and low earth orbit satellite services over the next 5 to 12 years, and the basis for that view
  - b. in a future with the Proposed Transaction, the likely impact you consider any developments identified in your response to (a) will have on TPG's options for transition-out from the MOCN, and the basis for that view
  - c. in both a future with the Proposed Transaction and a future without the Proposed Transaction, the likely impact you consider any developments identified in your response to (a) will have on competition over the next 5 to 12 years and the basis for that view, including:
    - (i) impact on scale and cost of infrastructure investment by MNOs
    - (ii) impact on competition for network quality (including speed)

(iii) impact on competition for coverage.