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Our ref: AA1000483
Contact officer: Jaime Martin
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Sent via email

Dear interested party

**NBN Co – COVID-19 application for authorisation AA1000483 –
new interim authorisation decision**

I refer to the Australian Competition and Consumer Commission's (ACCC) previous decision of 31 March 2020 to grant urgent interim authorisation to NBN Co Limited and members of a Special Working Group to enable the group to work on a range of contingency planning in response to the COVID-19 pandemic.

The original interim authorisation of 31 March 2020 was subject to certain reporting obligations which required NBN Co to report to the ACCC on a timely basis about any material decisions the Special Working Group makes, and to other service providers affected by those decisions.

NBN Co has recently amended its application for authorisation to narrow the scope of the proposed conduct and requested a corresponding narrowing of the conduct permitted under the conditional interim authorisation dated 31 March 2020.

The ACCC has decided to revoke the conditional interim authorisation dated 31 March 2020, and grant a replacement conditional interim authorisation for the narrower proposed conduct, solely for the purpose of dealing with the effect of the COVID-19 pandemic on the National Broadband Network.

The new interim authorisation is granted subject to NBN Co complying with certain (broader) reporting obligations to provide sufficient transparency over the various agreements reached, strategies implemented and information shared under the proposed conduct.

Please refer to the ACCC's new conditional interim authorisation decision (enclosed) for further information.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

Next steps

For your information, the next step is for the ACCC to release a draft determination which will take account of all submissions from NBN Co and interested parties. The ACCC currently anticipates releasing a draft determination in August 2020.

As noted in the enclosed decision, the new conditional interim authorisation commences immediately and remains in place until it is revoked, the date the ACCC's final determination comes into effect or the date when the application for authorisation is withdrawn.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact myself or Jaime Martin on (02) 6243 1266.

Yours sincerely



Kai Fu
Director
Adjudication