

Special Counsel Contact Andrew Low
Andrew Low
T [REDACTED]
Our ref ATL:ATL:1049539



L 35, Tower Two, International Towers Sydney
200 Barangaroo Avenue,
Barangaroo NSW 2000 AUS
T +61 2 9263 4000 F +61 2 9263 4111
www.gtlaw.com.au

25 May 2022

By email: Mandy.Bendelstein@accc.gov.au, Sophie.Mitchell@accc.gov.au

Mandy Bendelstein and Sophie Mitchell
Merger Investigations Branch
Australian Competition and Consumer Commission

Dear Ms Bendelstein and Ms Mitchell

Telstra TPG proposed MOCN

We refer to the application for merger authorisation submitted to the ACCC on 23 May 2022 (**Application**).

To assist the ACCC in its review of the Application, the Applicants provide the following clarifications:

- The Applicants are seeking authorisation for the use of spectrum (as set out in the Spectrum Authorisation) pursuant to s 50 of the *Competition and Consumer Act 2010 (Act)* only. The Applicants are not seeking authorisation under other provisions of Part IV of the Act.
- The specifics of TPG's site ownership and details are not known to Telstra at this time. As set out in the Site Agreement cl 4.1, the parties are to have good faith discussions in relation to these sites and how access will be provided to Telstra. For the purposes of assessing the application, we submit it is sufficient to note that there is potential to access up to 169 TPG sites in the 17% Regional Coverage Zone and that the parties are not seeking merger authorisation for the Site Agreement.
- The Spectrum Authorisation does not apply to the metropolitan areas covering 0-~81.4% of the population.

Should you have any queries, please do not hesitate to contact us.

Yours sincerely

[REDACTED]
Andrew Low
Special Counsel
[REDACTED]

Simon Muys
Partner
[REDACTED]

Peter Waters
Consultant
[REDACTED]

Jodi Gray
Partner, Corrs Chambers Westgarth
[REDACTED]