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26 August 2011

By hand

Dr Richard Chadwick
General Manager
Adjudication
Australian Competition and Consumer Commission
Level 7
Angel Place
123 Pitt Street
SYDNEY NSW 2000

Dear Dr Chadwick,

Applications for authorisation under Part VII of the Competition and Consumer Act 2010 lodged by NBN Co Limited

We act for SingTel Optus Pty Limited and other Optus entities (*Optus*).

We refer to the applications by NBN Co Limited (*NBN Co*) for authorisation pursuant to sections 88(1A), 88(1) and 88(8) of the *Competition and Consumer Act 2010* (Cth) (*CCA*) in relation to the HFC Subscriber Agreement between NBN Co and Optus dated 23 June 2011.

We enclose:

- a confidential version of a supporting submission from Optus to the Commission with confidential parts identified in accordance with Regulation 24; and
- a non-confidential, public register version of the supporting submission from Optus to the Commission; and
- Confidential Annexure 1 to the supporting submission from Optus to the Commission.

Optus requests that the enclosed confidential version of its supporting submission together with Confidential Annexure 1 be excluded from the Commission's Public Register.

Optus makes this request on the basis that this version of the supporting submission and Confidential Annexure 1 are documents in respect of Optus' commercial activities that are confidential to Optus. The disclosure of these documents and the information contained in them would unreasonably and adversely affect Optus in respect of its lawful business, commercial and financial affairs. The confidential supporting submission also contains information in relation to which binding confidentiality obligations apply. The disclosure of this information publicly would place Optus in breach of those obligations.

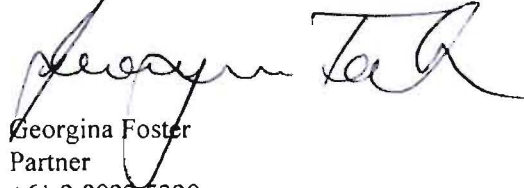
Accordingly, the documents and information contained in the confidential version of the supporting submission and Confidential Annexure 1 are provided on the basis that:

- the documents or information will not be disclosed to any party, other than the Commission's officers and employees, external advisors and any other consultant retained by the Commission, without first obtaining the consent of Optus, unless required by law or as otherwise permitted under section 155AAA of the CCA; and
- the Commission ensures that any external legal advisors or consultants are made aware of and bound by these confidentiality obligations.

The enclosed non-confidential version of the supporting submission (with confidential information redacted) may be placed on the Public Register.

Please do not hesitate to contact us if you would like to discuss this letter or the enclosed supporting submission. Optus would be happy to meet with the Commission and provide further information to assist it in its consideration of the authorisation applications.

Yours sincerely,



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