



Broadbanding
Australia



Friday 26 August 2011

Dr Richard Chadwick
General Manager, Adjudication
Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601

Dear Dr Chadwick,

NBN Co Limited - Applications for Authorisation

NBN Co Limited (NBN Co) applies 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 SingTel Optus Pty Ltd and other Optus entities (Optus) dated 23 June 2011.

We enclose:

Application Forms A, B and E;

- a confidential version of a supporting submission from NBN Co to the ACCC with confidential parts identified in accordance with Regulation 24;
- a non-confidential version of the supporting submission from NBN Co to the ACCC;
- a letter on behalf of Optus enclosing a confidential and non-confidential version of a supporting submission from Optus to the ACCC; and
- a cheque for the appropriate filing fee of \$10,500.

NBN Co requests that the enclosed confidential version of its supporting submission to the ACCC be excluded from the Commission's Public Register.

NBN Co makes this request on the basis that this version of the supporting submission and its annexures are documents in respect of NBN Co's commercial activities that are confidential to NBN Co. The disclosure of these documents and the information contained in them would unreasonably and adversely affect NBN Co in respect of its lawful business, commercial and financial affairs. The documents contain information that has a commercial value that would be destroyed or diminished if the information were disclosed. The confidential supporting submission contains information in relation to which binding confidentiality obligations apply. The disclosure of this information publicly would place NBN Co in breach of those obligations. Further, the supporting submission contains information that has not been shared between NBN Co and Optus (being confidential as between the parties).

Accordingly, the documents and information contained in the confidential version of the supporting submission and its annexures are provided on the basis that:

- the documents or information will not be disclosed to any party, other than the ACCC's officers and employees, external advisors and any other consultant retained by the ACCC, without first obtaining the consent of NBN Co, unless required by law or as otherwise permitted under section 155AAA of the CCA; and



- the ACCC 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 contact me if you would like to discuss this letter or the enclosed supporting submission. NBN Co would be happy to meet with the Commission and provide further information to assist it in its consideration of the enclosed Applications for Authorisation.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Lovell".

Caroline Lovell
Principal, Regulatory Affairs