NBNCo
Limited

28 September 2011

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

By email: Richard.Chadwick@accc.gov.au

Dear Dr Chadwick,

NBN Co Limited - Applications for Authorisation

The ACCC has asked NBN Co to clarify that its Applications for Authorisation are applications for authorisation of certain provisions of the Optus HFC Agreement and not of the entire agreement.

NBN Co confirms that the Applications for Authorisation are applications for authorisation of certain provisions of the Optus HFC Agreement. Those provisions are described in paragraphs 33, 34 and 35 of NBN Co's submission in support of the authorisation applications. For clarity, NBN Co has prepared a further version of its submission in support of the Applications for Authorisation, in which it has added the specific clause references to the relevant descriptions in paragraphs 33, 34 and 35. That version is enclosed as a replacement submission (replacement confidential and public versions).

In response to ACCC queries, NBN Co has also withdrawn certain of its claims for confidentiality in respect of its confidential submission in support of the applications and has removed the redaction relating to those claims from paragraphs 26, 31, 33(b), 45, 48, 56, 58, 88, 92 and 146 of the enclosed replacement submission. A marked up version of the confidential replacement submission is also enclosed to show the amendments that have been made.

NBN Co requests that the enclosed confidential replacement submission and its annexure be excluded from the Public Register, on the basis set out in our letter of 26 August 2011.

NBN Co also encloses a non-confidential version of the replacement submission (with confidential information redacted) which may be placed on the Public Register.

Please contact me if you would like to discuss this letter or the enclosed supporting submissions.

Yours sincerely,

James Endres
Senior Regulatory Advisor