



**Australian
Competition &
Consumer
Commission**

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8 November 2011

Ms Georgina Foster
Partner
Baker & McKenzie

By email: Georgina.Foster@bakermckenzie.com

Dear Ms Foster

**Authorisation A91271-A91273 submitted by NBN Co Limited –
request for material to be excluded from the public register**

I refer to your response to the ACCC's 23 September 2011 request for further information regarding the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 August 2011 and updated on 30 September 2011.

I have considered your request that SingTel Optus Pty Ltd's submission be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Competition and Consumer Act 2010* (the Act) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the submission will not be placed on the public register.

I note that Optus' submission contends that the information provided is for the ACCC only. With respect to the submission described above that Optus seeks to have excluded from the public register, the ACCC will not disclose this information to any third parties, other than the ACCC's legal and economic advisors, without first obtaining your written consent or unless compelled to do so by law.

This letter has been placed on the ACCC's public register.

Should you have any queries please do not hesitate to contact Susan Philp (02 6243 1347) or Luke Griffin (02 6243 1114).

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch