



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: A91271-A91273  
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13 December 2011

Ms Caroline Lovell  
Principal, Regulatory Affairs  
NBN Co Limited

*By email: [CarolineLovell@nbnco.com.au](mailto:CarolineLovell@nbnco.com.au)*

Dear Ms Lovell

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

I refer to your 6 December 2011 supplementary submission and response to the ACCC's request for further information regarding the above applications for authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 August 2011.

I have considered your request that part of the supplementary submission and the response in its entirety 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/part 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 relevant part of the supplementary submission and the response in its entirety will not be placed on the public register.

I note that NBN Co's supplementary submission and response contend that the information provided to the ACCC is on the basis that it will not be released to any other party without the specific approval of NBN Co. With respect to the paragraphs described above that NBN Co 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.

I note that you also provided a public version of the supplementary submission. This version will be placed on the public register in the form it was provided to the ACCC.

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

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick', written over a light blue rectangular background.

Dr Richard Chadwick  
General Manager  
Adjudication Branch