



Australian  
Competition &  
Consumer  
Commission

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23 July 2015

Caroline Lovell  
Chief Regulatory Officer  
NBN Co

**Via email: [carolinelovell@nbnco.com.au](mailto:carolinelovell@nbnco.com.au); [jamesendres@nbnco.com.au](mailto:jamesendres@nbnco.com.au)**

Dear Ms Lovell

### **NBN Co application for re-authorisation (A91479-A91481) – draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by NBN Co on 12 February 2015.

#### **Draft determination**

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to NBN Co for the revised arrangements with Optus for 35 years.

#### **Next steps**

Once the ACCC issues a draft determination, the applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **7 August 2015**.

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **6 August 2015**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register.](#)

### **Proposed acquisition of Optus' HFC assets**

As you are aware, the proposed acquisition of Optus' HFC assets is currently being considered under section 50 of the *Competition and Consumer Act 2010* by the ACCC in conjunction with the re-authorisation application. The ACCC intends to announce its decision on the informal merger review on the same date as the ACCC's final determination on the application for re-authorisation.

Further information about the informal merger review process is available from the [Mergers register.](#)

### **Timetable**

As you are aware, no statutory deadline applies to the ACCC's consideration of applications for revocation and substitution. The ACCC has updated its indicative timetable for its consideration of this matter, set out below for your information.

<b>Indicative date</b>	<b>Stage in assessment process</b>
12 February 2015	Lodgement of application and supporting submission.
17 February 2015	Public consultation process begins.
23 July 2015	Draft determination.
August/September 2015	Public consultation on draft determination including any conference if called.
August/September 2015	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please contact Jaime Martin on (03) 9290 1477 (or at [jaime.martin@accc.gov.au](mailto:jaime.martin@accc.gov.au)) or David Hatfield on (02) 6243 1266 (or at [david.hatfield@accc.gov.au](mailto:david.hatfield@accc.gov.au)).

Yours sincerely



Dr Richard Chadwick  
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