

MinterEllison

6 August 2015

BY EMAIL Jaime.Martin@accc.gov.au

Ms Jaime Martin
Assistant Director, Adjudication
Australian Competition & Consumer Commission
Level 35, 360 Elizabeth Street
MELBOURNE VIC 3000

Dear Ms Martin

NBN Co application for re-authorisation (A91479-A91481) of revised arrangements concerning Optus' HFC network – Draft Determination

We refer to your letter dated 23 July 2015 which attached a copy of the Commission's Draft Determination. The Commission proposes to grant authorisation for the proposed arrangements between Optus and NBN Co.

The Draft Determination identifies public benefits, particularly arising from the avoidance of duplication of assets (by means of NBN Co's long term access to fibre components of the Optus HFC Network) and also from access to spectrum on the Optus HFC Network through the migration period (facilitating less disruptive migration for customers). Optus supports the Commission's identification of those public benefits from the revised arrangements, and agrees that those benefits are significant.

Optus agrees that the revised arrangements will produce additional public benefits and no additional detriments as compared to the existing authorised arrangements going forward. As a result, Optus fully endorses the Commission's proposed grant of authorisation for the revised arrangements for 35 years. Optus does not consider that a 'pre-decision conference' is necessary.

In the event that a pre-decision conference is called or submissions from third parties raise further issues, Optus would wish for an opportunity to make further comments.

Yours sincerely



Paul Schoff
Partner
MINTER ELLISON

Contact: Paul Schoff T: +61 2 9921 4599
F: +61 2 9921 8336 paul.schoff@minterellison.com

Level 40 Governor Macquarie Tower 1 Farrer Place Sydney
GPO Box 521 Sydney NSW 2001 Australia DX 117 Sydney
T +61 2 9921 8888 F +61 2 9921 8123 minterellison.com

