



**Australian  
Competition &  
Consumer  
Commission**

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28 August 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) – final determination and informal merger review**

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

The ACCC has also completed its assessment of the proposed acquisition of Optus' HFC assets under section 50 of the *Competition and Consumer Act 2010* (the Act).

**Determination**

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

For the reasons set out in its determination, the ACCC grants authorisation to NBN Co for the revised HFC network arrangements with Optus for 35 years.

*Application for review*

Pursuant to section 101 of the Act, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 18 September 2015. If no application to review is lodged by this date, the ACCC's determination will come into force on 19 September 2015.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

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

As you are aware, the proposed acquisition of Optus' HFC assets was considered by the ACCC under section 50 of the Act, in conjunction with the re-authorisation application.

The ACCC has considered the information provided by you and other material it has before it in relation to the proposed acquisition. Based on that information, the ACCC does not propose to intervene in the proposed acquisition pursuant to section 50 of the Act.

Further information relevant to the ACCC's decision on the proposed acquisition is available from the [Mergers Register](#).

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 [jaime.martin@acc.gov.au](mailto:jaime.martin@acc.gov.au)) or David Hatfield on (02) 6243 1266 (or [david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)).

Yours sincerely



Rami Greiss  
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