



**Australian
Competition &
Consumer
Commission**

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17 February 2015

Mr Paul Schoff
Partner
Minter Ellison Lawyers

By email: paul.schoff@minterellison.com; Justin.oliver@minterellison.com

Dear Mr Schoff

NBN Co Limited application for revocation of authorisations (A91290-A91292) and substitution of new authorisations (A91479-A91481) for revised arrangements concerning Optus' HFC network – initial consultation

I refer to the above mentioned application for re-authorisation lodged with the Australian Competition and Consumer Commission (the ACCC) on 12 February 2015.

Please find enclosed, for your information, a copy of the letter the ACCC sent today to potentially interested parties as part of its public consultation process.

All publicly available submissions will be placed on the ACCC's website at www.accc.gov.au/AuthorisationsRegister. Alternatively, at the end of the consultation period the ACCC can arrange for you to receive a copy of all publicly available submissions received in relation to the application.

Timetable

As you would be aware, no statutory deadline applies to the ACCC's consideration of this matter. However, the ACCC generally aims to complete its assessment within 6 months.

A preliminary indicative timetable based on a six month timeframe is set out below for your information.

| Indicative date | Stage in assessment process |
|------------------------|---|
| 12 February 2015 | NBN Co lodges application and supporting submission. |
| 17 February 2015 | Public consultation process begins. |
| 13 March 2015 | Closing date for submissions from interested parties. |
| March/April 2015 | Applicant responds to issues raised in the public consultation process. |
| June 2015 | Draft determination. |
| June/July 2015 | Public consultation on the Draft Determination, including any conference if called. |
| August 2015 | Final determination. |

This is an indicative timetable only. These timings may change as the matter proceeds and the ACCC will provide an updated indicative timetable as appropriate. In particular, in complex matters such as this application which raise significant issues for consideration, it may be necessary or appropriate for the authorisation process to extend beyond six months in order to allow sufficient time for all parties to be able to respond to the issues and for the ACCC to complete its assessment – particularly if a pre-determination conference is called.

Proposed acquisition of Optus' assets

The proposed acquisition will be reviewed by the ACCC under s50 of the Competition and Consumer Act 2010 (see [Mergers register](#)). That review will be conducted at the same time as this application for re-authorisation.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact David Hatfield on (02) 6243 1266 or Jaime Martin on (03) 9290 1477 (or by email to adjudication@acc.gov.au).

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch