



Our ref: MA1000021
Contact officer: Sophie Mitchell
Contact phone: 02 9230 3843

21 December 2022

Sent via email

Dear Interested Party

Telstra Corporation Limited and TPG Telecom Limited proposed Multi-Operator Core Network commercial arrangements and spectrum sharing – ACCC Determination

The ACCC has issued a determination in respect of the above mentioned application for merger authorisation received on 23 May 2022.

As you are aware, Telstra Corporation Limited (**Telstra**) and TPG Telecom Limited (**TPG**) (the **Applicants**) entered into three interrelated agreements to implement a Multi-Operator Core Network commercial arrangement (**MOCN Naas**): the MOCN Service Agreement; the Spectrum Authorisation Agreement; and the Mobile Site Transition Agreement (together the **Proposed Transaction**). The Spectrum Authorisation Agreement would authorise Telstra to use TPG's spectrum, which is deemed by the *Radiocommunications Act 1992* (Cth) to be an acquisition under section 50 of the *Competition and Consumer Act 2010* (Cth) (the **Act**).

The ACCC has decided not to grant authorisation to Telstra and TPG for the Proposed Transaction. The ACCC's determination and a summary of the ACCC's reasons is enclosed, and is also available on the [Merger authorisations public register](#).

The full reasons for the ACCC's determination will be released separately as soon as possible, subject to a confidentiality review by the relevant parties involved. The full reasons will also be available on the [Merger authorisations public register](#).

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010* (Cth), a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the **Tribunal**) for a review of the determination. An application for review must be made within 21 days of the date of this determination; that is, on or before 11 January 2023.

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

For further information about the Tribunal's process to hear applications for review of ACCC determinations, please refer to the Tribunal's website at www.competitiontribunal.gov.au.

This letter has been placed on the ACCC's public register. You can forward his letter to anybody who may be interested. If you wish to discuss any aspect of this matter please contact Sophie Mitchell on 02 9230 3843 or by email at mergerauthorisations@acc.gov.au.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'DMcCracken-Hewson', with a long horizontal flourish extending to the right.

Daniel McCracken-Hewson
General Manager
Merger Investigations Branch