

Applicants' response to Draft Determination

The Applicants refer to the Draft Determination issued by the Commission on 14 July 2022.¹

Unless otherwise indicated, all capitalised terms have the same meaning as in the Draft Determination.

1 Proposal to grant authorisation

- 1.1 The Applicants welcome the Commission's proposal to grant authorisation to enable the Applicants and their related entities to engage in conduct to give effect to the Amending Agreement.
- 1.2 In the Draft Determination, Commission proposes to grant authorisation until 30 June 2034. The Applicants sought authorisation beyond this date for four provisions, on the basis that the Applicants considered those provisions may continue beyond 30 June 2034.²
- 1.3 The Applicants note that the ACCC is not currently satisfied that the public benefit would continue to outweigh any public detriment from the Proposed Conduct in relation to these four provisions beyond 30 June 2034. Beyond noting the Applicants' previous submissions to the Commission as to why a further defined period of authorisation is appropriate for the four relevant provisions, the Applicants make no further submissions on this question at this stage.³ The Applicants reserve the right to comment on any third party submissions on this (or any other) issue.

2 Further assistance

- 2.1 Should the Commission wish to discuss any of the above matters further, or require any further information, the Applicants can be contacted via the details at section 2 of the Application.

¹ See: <https://www.accc.gov.au/system/files/public-registers/documents/Draft%20Determination%20-%2014.07.22%20-%20PR%20-%20AA1000607%20Telstra%20NBN.pdf>

² Listed at [4.60] of the Draft Determination.

³ See in particular the Telstra Applicants' response to item 3 of the Commission's Request for Information dated 17 May 2022.