

26 June 2020

Kai Fu  
Director  
Adjudication  
ACCC

By email: [REDACTED]; [william.shrubb@accc.gov.au](mailto:william.shrubb@accc.gov.au)

Dear Mr Fu

**NBN Co – application for authorisation AA1000483 – request for information on conduct under interim authorisation**

Thank you for your letter dated 12 June 2020 in relation to the above matter (**Letter**). We understand that the ACCC is seeking a detailed report of: (a) conduct that Vodafone Hutchison Australia Limited (**VHA**) has engaged in under the Interim Authorisation but outside of the Special Working Group<sup>1</sup> (**SWG**), and (b) a description of the conduct VHA is likely to engage in under the Interim Authorisation in the future outside of the SWG meetings.

*Conduct outside of SWG meetings*

In relation to conduct outside of the SWG meetings, VHA has made enquiries of the VHA employees involved in the SWG and has identified only two interactions which may fall within the relevant category of conduct specified in your Letter.

[CIC begins]

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<sup>1</sup> We assume this includes various forums which the ACCC participated in, for example the COVID-19 NBN Co/RSP Operations Management Forum.

[CIC ends]

The second is VHA's engagement with NBN Co in the lead up to NBN Co announcing its COVID-19 Connectivity Relief Package on 17 April 2020. Specifically:

- NBN Co contacted VHA via email on 6 April 2020 with a proposed Connectivity Relief Package. We understand that NBN Co sought input from various stakeholders on its proposal.
- VHA provided a response to NBN Co's proposal on 8 April 2020 via email. A copy of VHA's response can be provided to the ACCC upon request.
- NBN Co provided an update to VHA (and we assume other stakeholders) on 9 April 2020 via email regarding an update on timing of its decision, and subsequently publicly announced its Connectivity Relief Package on 17 April 2020.

*Further conduct under the Interim Authorisation*

At this stage, VHA is unable to determine conduct that it is likely to engage in under the Interim Authorisation in the future outside of the SWG meetings. While our networks have adjusted to the 'new normal', consumer usage patterns may still rapidly change in the foreseeable future due to government regulations or otherwise. In these uncertain circumstances, at this stage it is difficult for VHA to state in a meaningful way on what conduct under the Interim Authorisation it is likely to engage in in the future.

If you have any further questions, please contact me or Louie Liu at [REDACTED].

Yours sincerely

[REDACTED]

Barry Kezik  
Chief Network Officer