

5 November 2012

statementdifferences@accc.gov.au
analena.gilhome@accc.gov.au

Analena Gilhome
Director, NBN Co Access Co-ordination – Communications Group
Australian Competition and Consumer Commission
Level 35, 360 Elizabeth Street
Melbourne, VIC 3000

Dear Ms Gilhome

**Statement of differences—Satellite Wholesale Broadband Agreement—
AARNet Pty Ltd**

On 16 May 2012, NBN Co published on its website the Satellite Wholesale Broadband Agreement (**S-WBA**) as a standard form of access agreement (**SFAA**), with an Expiry Date of 30 November 2012. On 19 October 2012, NBN Co offered to all S-WBA signatories as of that date an extension of the current S-WBA until the earliest of 30 May 2013 and the date on which NBN Co's Special Access Undertaking is accepted by the ACCC plus two months. The variation in the form of an Extension Notice providing for this extended term was published as part of the SFAA on 29 October 2012.

An access agreement was entered into between NBN Co and AARNet Pty on 29 October 2012 (but later in the day than the SFAA was updated to include the Extension Notice), on the terms of the S-WBA, but not including the Extension Notice.

NBN Co is providing this statement of differences in the form specified in the *Part XIC non-discrimination guidelines* published by the ACCC in April 2012.

Enclosed is a copy of the Extension Notice, for the purpose of specifying how the S-WBA entered into by AARNet Pty Ltd on 29 October 2012 differs from the SFAA published at the time AARNet Pty Ltd executed its access agreement. As the entirety of the Extension Notice is not part of the access agreement, it has not been provided in mark-up.

Any terms not defined in this letter should be read as defined in the marked-up copies of the relevant parts of these access agreements provided with this letter.

NBN Co provides this statement of differences having regard to section 152BEBA of the CCA. The nature of the difference is that AARNet's S-WBA has an Expiry Date of 30 November 2012, while the SFAA provides for the extended term. NBN Co will be providing AARNet Pty Ltd with an Extension Notice for its execution in the coming days. The difference in question arose solely due to the relative timing of the entering into of this access agreement and the updating of the SFAA.

Please do not hesitate to contact me if you have any queries.

Sincerely,



Caroline Lovell
Principal, Regulatory Affairs and Industry Engagement