

17 January 2013

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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—Wholesale Broadband Agreement

As of 21 February 2012, 35 access seekers had entered into access agreements based on the Wholesale Broadband Agreement (**WBA**). At that time, the WBA was available on NBN Co's website as a standard form of access agreement (**SFAA**).

On 21 February 2012, NBN Co issued a notification to all 35 access seekers on access agreements based on the WBA that the terms of their access agreements would be changing via notice under the change management provisions set out in that agreement. The names of these access seekers are provided at **Attachment A** to this letter.

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.

These access agreements are different from the SFAA in place on 21 February 2012 in the following respect:

1. The introduction of an updated WBA Operations Manual (effective 4 April 2012).

Enclosed is a marked-up copy of the WBA Operations Manual for the purpose of specifying how the access agreements entered into by the customers listed in Attachment A on 21 February 2012 differ from the relevant SFAA published as at that date.

Any terms not defined in this letter should be read as defined in 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 *Competition and Consumer Act 2010*. As of the effective date of these changes, the SFAA was updated to reflect the differences set out in the attached document. The difference in question arises solely due to the timing of when the SFAA was updated by NBN Co.

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

Sincerely,



Caroline Lovell
Head of Regulatory Affairs and Industry Analysis

Attachment A

Wholesale Broadband Agreement customers as at 21 February 2012

1. AAPT Limited
2. AARNet Pty Ltd
3. Adam Internet Pty Ltd
4. Anittel Communications Pty Ltd
5. Aurora Energy Pty Ltd
6. Aussie Broadband Pty Ltd
7. Australian Nomad Technologies Pty Ltd (now Australian National Telecom Pty Ltd)
8. Australian Private Networks Pty Ltd
9. Broadband MultiNet Pty Ltd
10. Broadband Solutions Pty Ltd
11. Clear Networks Pty Ltd
12. Community Telco Australia Pty Ltd
13. Comscentre Networks Pty Ltd
14. EveryNet Pty Ltd
15. Exetel Pty Ltd
16. Golden IT Pty Ltd
17. Harbour IT Pty Ltd
18. iiNet Limited
19. Internode Pty Ltd
20. ispONE Pty Ltd
21. iTalk (Australia) Pty Ltd
22. iTelecom Wholesale Pty Ltd
23. Macquarie Telecom Pty Ltd
24. Nextgen Networks Pty Ltd
25. Optus Networks Pty Ltd
26. Orion Satellite Systems Pty Ltd
27. Platform Networks Pty Ltd (now Eftel Pty Ltd)
28. Primus Telecommunications Pty Ltd
29. SkyMesh Pty Ltd
30. Symbio Wholesale Pty Limited
31. Telco In a Box Pty Ltd
32. TPG Internet Pty Ltd
33. TransACT Capital Communications Pty Ltd
34. Vocus Pty Ltd
35. Vodafone Hutchison Australia Pty Ltd