

17 January 2013

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—Wholesale Broadband Agreement

As of 7 February 2012, 33 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 7 February 2012, NBN Co issued a notification to all 33 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 7 February 2012 in the following respects:

1. The introduction of an updated WBA Product Catalogue (effective 4 April 2012);
2. The introduction of the first version of the Facilities Access Service Product Description (effective 4 April 2012);
3. The introduction of the first version of the Facilities Access Service Product Technical Specification (effective 4 April 2012);

Please note that the Facilities Access Undertaking and other Facilities Access Service-related documents, not part of the WBA, were also provided as part of this notification, but have not been included in this statement of differences as they do not involve changes to the access agreements themselves.

Enclosed are marked-up copies of the WBA Product Catalogue and clean copies of the Facilities Access Service Product Description and Facilities Access Service Product Technical Specification, for the purpose of specifying how the access agreements entered into by the customers listed in Attachment A on 7 February 2012 differ from the 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 documents. The differences in question arise 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 7 February 2012

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