

Clause F2.2 Extension Notice and Acceptance

1. Background

- 1.1 NBN Co Limited ABN 86 136 553 741 (**NBN Co**) supplies Ordered Products to [insert Customer name and ABN] (**Customer**) under the Wholesale Broadband Agreement between the parties dated [insert date of agreement] (**current WBA**). A capitalised term not defined in this notice has the meaning given to that term in the current WBA.
- 1.2 NBN Co is currently engaging with Customer and Other NBN Co Customers in relation to the proposed long term Wholesale Broadband Agreement which is the subject of the Contract Development Process (**next WBA**).
- 1.3 The next WBA will include transitional provisions that will provide for the automatic transition of products and services supplied under the current WBA to be supplied under the next WBA (consistent with the approach taken under clause F12 of the current WBA for products and services supplied under a Trial Agreement).
- 1.4 NBN Co anticipates that, by the time the next WBA is published under Part XIC of the *Competition and Consumer Act* as an SFAA and is available for execution by Customers:
- (a) NBN Co will have ceased to supply TTAS; and
 - (b) the Beta NWAS product currently supplied under the Wireless Trial Agreement will have been superseded by the NWAS, which will be supplied under the current WBA (and accordingly, will automatically transition to be supplied under the next WBA on execution by Customer).
- 1.5 In the month following the acceptance of the SAU, NBN Co will cause the drafting of the next WBA, in the form to be published under Part XIC, to be aligned with:
- (a) the SAU as accepted under section 152CBC(2)(a) of the *Competition and Consumer Act*; and
 - (b) any relevant amendments made to the current WBA which are notified in accordance with change management provisions of that agreement on a date before the next WBA is published.

2. Extension of current WBA

- 2.1 The current Expiry Date of the current WBA is 30 November 2012.
- 2.2 Clause F2.2 of the current WBA contains a mechanism for Customer to request an extension to the Term.
- 2.3 This document, once executed by Customer and transmitted to NBN Co, constitutes an Extension Notice given by Customer to NBN Co for the purposes of clause F2.2(a) of the

current WBA that Customer wishes NBN Co to continue supplying Ordered Products after 30 November 2012 under the current WBA and proposes a new Expiry Date for the current WBA being the earlier of:

- (a) 30 April 2013; and
- (b) the date on which the SAU lodged by NBN Co is accepted under section 152CBC(2)(a) of the Competition and Consumer Act, plus one month.

2.4 Notwithstanding any failure by Customer to give this notice to NBN Co no later than 40 Business Days prior to the Expiry Date in accordance with clause F2.2(a) of the current WBA, the parties agree that this document is a valid Extension Notice.

2.42.5 Execution of this document by NBN Co constitutes acceptance of the Extension Notice for the purposes of clause F2.2(b) of the current WBA.

Signed for **NBN Co Limited** by its authorised representatives:

Signature of authorised representative

Signature of authorised representative

Name of authorised representative

Name of authorised representative

Date of signature

Date of signature

Executed by **[insert full name of Customer]** in accordance with section 127 of the *Corporations Act 2001* (Cth) by:

Signature of director / company secretary

Signature of director

Name of director / company secretary

Name of director

Date of signature

Date of signature

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SFAA[Customer name] – Extension to the current WBA – 411 October 2012 – Legal\308159713.4