



27 November 2013

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

**Commercial-in-confidence**

Dear Ms Barker,

### Statement of differences—extension of WBA—ispONE Pty Ltd

NBN Co Limited (**NBN Co**) and ispONE Pty Ltd ABN 70 103 220 766 (**ispONE**) entered into the Wholesale Broadband Agreement (**WBA**) on 20 January 2012. ispONE subsequently entered into two extensions of the WBA, the latter of which extended its term until 31 October 2013.

The WBA is available on NBN Co's website as a standard form of access agreement (**SFAA**).

On 23 September 2013, ispONE was placed into liquidation and liquidators were appointed. [REDACTED]

On 14 October 2013, NBN Co offered Customers currently on the WBA, due to expire on 31 October 2013, the ability to extend the term of the agreement to 20 December 2013. On 18 October 2013, the SFAA was updated to reflect the new Expiry Date.

This offer to extend the term of the WBA was made to ispONE, but not accepted.

However, NBN Co has offered to extend ispONE's WBA until 20 December 2013 [REDACTED]

[REDACTED] As the terms of this WBA extension impose requirements on ispONE that are different to those set out in the extension provided to other Customers, [REDACTED] NBN Co understands that the requirement for a statement of differences in this situation is triggered by acceptance of NBN Co's offer.

The offer was made and accepted on a commercial-in-confidence basis. [REDACTED]

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Accordingly, NBN Co requests that the ACCC treat this letter as the statement of differences for the purposes of section 152BEBA of the *Competition and Consumer Act 2010* and confirm that it will only post a redacted version of this letter on the register.

NBN Co will also be separately providing the ACCC with a copy (again on a commercial-in-confidence basis) of the form of the offer made to ispONE as it constitutes a variation to ispONE's WBA.

As these particular terms are not necessary with respect to NBN Co's Customers in general, the SFAA will not be updated to reflect them.

Any terms not defined in this letter should be read as defined in the WBA.

Yours sincerely

A handwritten signature in blue ink that reads "Caroline Lovell".

Caroline Lovell  
Head of Regulatory Affairs & Industry Analysis