

21 September 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

Amendment to statement of differences lodged 9 August 2012— Wholesale Broadband Agreement

As of 1 August 2012, 44 access seekers had entered into access agreements based on the Wholesale Broadband Agreement (**WBA**). The WBA was previously published by NBN Co on its website as a standard form of access agreement (**SFAA**) under section 152BE of the *Competition and Consumer Act 2010 (CCA)*.

On 3 August 2012, NBN Co issued a notification to all 44 of these access seekers that the terms of their access agreements would be changing via notice under the change management provisions contained in those agreements. The names of these access seekers are provided at **Attachment A** to this letter.

On 9 August 2012, NBN Co lodged a statement of differences relating to the 3 August 2012 notification. This letter is an amended version of that statement of differences.

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

The changes notified to customers on 3 August 2012 have an effective date of 28 September 2012 with respect to all access agreements based on the WBA in effect at that time. No additional action by any of these access seekers is necessary for these changes to become effective once the notice period expires.

Enclosed is a marked-up copy of the relevant parts of one of these access agreements (without identifying the relevant access seeker), for the purpose of specifying how these changes to the access agreements notified on 3 August 2012 differ from the SFAA published as at that date.

On expiry of the notification period (*ie*, on 28 September 2012), the agreements of all 44 access seekers will be changed in the following respects:

1. **WBA Product Catalogue—NBN Co Fibre Access Service Product Description:** the introduction of Multicast as an optional feature of the NBN Co Fibre Access Service (**NFAS**);
2. **WBA Product Catalogue—NBN Co Wireless Access Service Product Description:** the introduction of the NBN Co Wireless Access Service (**NWAS**);
3. **WBA Product Catalogue—Facilities Access Service Product Description:** changes to accommodate the introduction of NWAS into the WBA and other incidental amendments;
4. **WBA Product Catalogue—Platform Interfacing Service Product Description:** amendments to accommodate the introduction of NWAS to the WBA and other incidental amendments;

5. **WBA Product Catalogue—Service Levels Schedule:** amendments to introduce service levels for Multicast and NWAS;
6. **WBA Product Catalogue—Price List:** the introduction of charges for Multicast and NWAS;
7. **WBA Product Catalogue—NBN Co Ethernet Bitstream Service Technical Specification:** the inclusion of NWAS (including the change of the document title from “NBN Co Fibre Access Service Product Technical Specification”); the alignment of the NWAS technical descriptions with the NFAS technical description; the introduction of Multicast as an optional feature of NFAS; the inclusion of IPv6 DHCP as an incremental function of the Access Loop ID Insertion AVC feature; and the inclusion of support for Out of Band DTMF on the UNI-V;
8. **NFAS UNI-V Functional Specification:** amendments to include the introduction of support for Out of Band DTMF and RTCP on the UNI-V; and
9. **NFAS UNI-V Electrical Specification:** amendments to include the introduction of support for Out of Band DTMF and RTCP on the UNI-V.

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. While the relevant access agreements will not actually be varied until the expiry of the notification period (*ie*, on 28 September 2012), the SFAA had not been updated to incorporate the notified variations on 3 August 2012, *ie*, when the variation notifications were sent out to all access seekers. The changes will be reflected in the SFAA in advance of their becoming effective in access seekers' individual access agreements on 28 September 2012. Accordingly, there will be no relevant difference between the SFAA and access agreements as at 28 September 2012.

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

Sincerely,



Caroline Lovell

Principal, Regulatory Affairs and Industry Engagement

Attachment A:

Wholesale Broadband Agreement customers as at 3 August 2012

1. AAPT Limited
2. AARNet Pty Ltd
3. Adam Internet Pty Ltd
4. Amcom Pty Ltd
5. Anittel Communications Pty Ltd
6. Aurora Energy Pty Ltd
7. Aussie Broadband Pty Ltd
8. Australian Nomad Technologies Pty Ltd (t/a ANT)
9. Australian Private Networks Pty Ltd (t/a Activ8me)
10. Bluemaxx Communications Pty Ltd
11. Broadband MultiNet Pty Ltd
12. Broadband Solutions Pty Ltd
13. Clear Networks Pty Ltd
14. Community Telco Australia Pty Ltd
15. Comscentre Networks Pty Ltd
16. Eftel Pty Ltd (formerly Platform Networks Pty Ltd) (Dodo/Eftel incl)
17. EveryNet Pty Ltd
18. Exetel Pty Ltd
19. Golden IT Pty Ltd
20. Harbour IT Pty Ltd
21. iiNet Limited
22. Indigo Telecom (Aust) Pty Ltd
23. Internode Pty Ltd
24. ispONE Pty Ltd
25. iTalk (Australia) Pty Ltd
26. iTelecom Wholesale Pty Ltd
27. iVoisys Pty Ltd
28. Logic IT Solutions Pty Ltd
29. Macquarie Telecom Pty Ltd
30. NEC Australia Pty Ltd
31. Network Technology (Aust) Pty Ltd (t/a On the Net)
32. Nextgen Networks Pty Ltd
33. On Q Network Operations Pty Ltd
34. Optus Networks Pty Ltd
35. Orion Satellite Systems Pty Ltd (t/a Reachnet)
36. Primus Telecommunications Pty Ltd
37. SkyMesh Pty Ltd
38. Symbio Wholesale Pty Limited
39. Telco In a Box Pty Ltd
40. Telstra Corporation Ltd
41. TPG Internet Pty Ltd
42. TransACT Capital Communications Pty Ltd
43. Vodafone Hutchison Australia Pty Ltd
44. Vocus Pty Ltd