



**Australian
Competition &
Consumer
Commission**

GPO Box 520
Melbourne Vic 3001

Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000

tel: (03) 9290 1800
fax: (03) 9663 3699

www.accc.gov.au

Our ref: 47685
Your ref:
Contact officer: Scott Harding
Contact phone: 03 9658 6434

29 January 2013

Ms Caroline Lovell
Head of Regulatory Affairs and Industry Analysis
NBN Co Limited

Dear Ms Lovell

Re: NBN Co Limited Special Access Undertaking - request for further information

I refer to the Special Access Undertaking lodged with the Australian Competition and Consumer Commission (the ACCC) on 18 December 2012 (the SAU).

The purpose of this letter is to request further information from NBN Co Limited (NBN Co) to assist the ACCC in its assessment of the SAU. I note that this request for information is not a formal request under section 152CBB of the *Competition and Consumer Act 2010* (CCA).

Given the proposed 30 year term of the SAU and the inherent uncertainties over this period, the ACCC considers that it should fully inform itself of the range of ways in which the SAU may operate over its term. The ACCC considers that quantitative analysis of the price controls and long-term revenue constraint proposed in the SAU is a necessary input to making an informed decision about whether it can be satisfied that the SAU meets the statutory criteria in section 152CBD of the CCA.

The ACCC requests the following information from NBN Co:

1. *For each year of the SAU period (in particular, each year between the Cost Commencement Date to the SAU Expiry Date):*
 - a. *forecast capital expenditure per asset type (as listed in the SAU and NBN Co's audited accounts), including expected asset lives and tax asset lives;*
 - b. *forecast values of 'construction in progress';*
 - c. *forecast operating expenditure; and*

give the Commission the information. Such a request would extend the statutory deadline for accepting or rejecting the SAU by the period of time that any part of the request remains unfulfilled.

If you consider any information provided under this request to be commercial-in-confidence, please identify this in your response. If the information provided is commercial-in-confidence, we request that confidentiality arrangements between NBN Co and interested parties are established to facilitate the sharing of this information. If confidentiality arrangements are not established between NBN Co and interested parties for the sharing of information, the ACCC may consider providing the information to interested parties on a confidential basis.

I note that this letter will be published on the ACCC's website.

ACCC staff would be pleased to meet with NBN Co to discuss any questions about this information request.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Scott Harding on 03 9658 6434.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Home', with a stylized, cursive script.

Richard Home
General Manager
NBN Engagement and Group Coordination Branch
Australian Competition and Consumer Commission