



31 March 2014

Mr Michael Cosgrave  
Group General Manager  
Communications Group  
Australian Competition and Consumer Commission  
GPO Box 520  
Melbourne VIC 3001

By email: [michael.cosgrave@accc.gov.au](mailto:michael.cosgrave@accc.gov.au)

Dear Mr Cosgrave,

### Special Access Undertaking – Rollout progress information

As you know, NBN Co's Special Access Undertaking (SAU) as accepted by the ACCC on 13 December 2013 includes a number of commitments in regard to the publication of rollout progress information (clause 1H.2).

NBN Co is fully aware of these commitments and has been working hard to meet them. However, the purpose of this letter is to advise the ACCC that NBN Co is not proposing to provide the 3-Year and 1-Year Construction Rollout Plans (clauses 1H.2.1 and 1H.2.2) to Access Seekers by 31 March 2014, but will use its best endeavours to complete and provide these plans as soon as possible.

The key reasons for this position are as follows:

- Shift to the Multi-Technology Mix model – As a consequence of policy changes introduced by the current Government, and the findings of the NBN Co Strategic Review (delivered in December 2013), NBN Co is undergoing a major change in direction, most notably the adoption of a Multi-Technology Mix (MTM) network architecture.
- Ongoing work with NBN Co's construction delivery partners - To address planning and construction issues that led to delays and frustration in the past, including to further stabilise the FTTP rollout.

At this point in the implementation of these activities, there is not a sufficiently robust basis on which NBN Co can prepare the 1-Year Construction Rollout plan or the 3-Year Construction Rollout Plan.

NBN Co is mindful of the fact that the purpose of the SAU commitments in relation to rollout information is to provide Access Seekers with timely, regular and meaningful information that is sufficiently accurate and robust to allow recipients to use the information in their business planning. The provision of the 3-Year and 1-Year Construction Rollout Plans at this time does not meet this standard (for example, because it is incomplete or necessarily caveated), will be of limited benefit to Access Seekers and could in fact cause some harm or confusion if relied upon by Access Seekers. Access Seekers have consistently advised NBN Co that maximum accuracy of information is a key priority.

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Senator Lundy  
(Chair)

NBN Co understands that the ACCC will need to release this letter and any response from the ACCC.

Please let me know if you would like any further information or to arrange a meeting.

Yours sincerely



**Caroline Lovell**

Head of Regulatory Affairs & Industry Analysis