

From: ABGProviders
Sent: Wednesday, 25 July 2007 11:06 AM
To: ABGProviders
Cc: ABG; ABGPayments
Subject: NOTICE: CLARIFICATION OF SECTION 2.6.4 OF THE AUSTRALIAN BROADBAND GUARANTEE (TRANSITIONAL PERIOD) GUIDELINES [SEC=UNCLASSIFIED]

This notice is intended to clarify the intent of section 2.6.4 of the Australian Broadband Guarantee (transitional period) Guidelines for all registered Providers. Section 2.6.4 of the Guidelines provides:

2.6.4 Customers who move to an upgraded service plan

A Customer may move to an upgraded Service Plan offered by their Provider (for example, a Service Plan with greater data usage or data speed), subject to the Terms and Conditions offered by the Provider, and subject to paying any additional charges required by the Provider. No further Incentive Payment is payable in relation to such Service Upgrades.

In these circumstances, if the new service is a Program Service, the Provider is required to provide the Service on the applicable Program Service Terms and Conditions for a period of 3 years from the time that the first Program Service was provided to the Customer.

If the new service is not a Program Service, the Provider has no obligation to provide Program Terms and Conditions in relation to the service, and the supply of that service will not attract an Incentive Payment.

DCITA would like to clarify that this provision is also intended to apply to Customers who have transitioned from existing commercial service plans (ie. non-Program Services) using the same infrastructure and/or CPE (regardless of ISP). For example, a Customer who has already been Connected and Supplied on the same infrastructure and, using the same CPE, is able to be upgraded to a new service plan that meets the requirements of a Metro-Comparable Service under the Program Guidelines. In these circumstances and, consistent with this section, DCITA would not consider any incentive payment to apply for such Service Plan upgrades.

Queries relating to the Guidelines, the application process or the ongoing operation of the *Australian Broadband Guarantee* may be directed in writing to:

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