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## REQUIRED MEASURE 1(a) - OBTAINING CONSENTS AND RELEASES FROM WHOLESALE CUSTOMERS FOR PULL THROUGH ACTIVITY BY NBN CO.

### OVERVIEW AND SUPPORTING SUBMISSION

Telstra Corporation Limited

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**SUMMARY:** This document explains the key features of Telstra's process for seeking Wholesale customer consent to Pull Through Activity by NBN Co, developed in accordance with the Migration Plan.

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## Summary

The Migration Plan provided by Telstra to the ACCC on 23 August 2011 (the **Migration Plan**) provides for Telstra to prepare a number of "Required Measures". The Required Measures are documents setting out the processes, business practices, systems, interfaces and other matters that Telstra was not in a position to establish or specify at the time that the Migration Plan was lodged.

Attached is draft Required Measure 1(a), which describes the process for Telstra to seek to obtain relevant consents and releases from Wholesale Customers associated with Pull Through Activities by NBN Co. Telstra is lodging this Required Measure with the ACCC for approval.

This submission explains draft Required Measure 1(a) and sets out how this Required Measure and the process used to develop this Required Measure comply with the Migration Plan Principles.

# 1. BACKGROUND

Required Measure 1 concerns the processes for Telstra to obtain relevant consents, releases and undertakings from Wholesale Customers and to provide relevant notices to Wholesale Customers associated with Pull Through Activities by NBN Co.

The purpose of Required Measure 1 is to address the matters set out in Clauses 10.1 and 10.2 of the Migration Plan, namely to establish standardised processes that enable Telstra:

- (a) To use reasonable endeavours to obtain relevant consents, releases and undertakings from Wholesale Customers (Clause 10.1(d)), and
- (b) To provide relevant notices to affected Wholesale Customers associated with Pull Through Exception Events and the installation of Temporary Cables when advice is received from NBN Co (Clause 10.2(b)).

For convenience, Telstra has divided Required Measure 1 into two parts as **Required Measure 1(a)** and **Required Measure 1(b)**. The attached document is draft Required Measure 1(a) and deals with the matters set out in Clause 10.1(d) of the Migration Plan concerning consents, releases and undertakings by Wholesale Customers in relation to Pull Through Activities. Required Measure 1(b) deals with the matters set out in Clause 10.2(b) of the Migration Plan concerning provision of relevant notices to Wholesale Customers. Required Measure 1(b) is under discussion with NBN Co and therefore its requirements are not specifically dealt with in the draft Required Measure 1(a) attached or in this submission.

Draft Required Measure 1(a) therefore sets out the process Telstra will undertake to use reasonable endeavours to obtain:

- (a) A consent from Wholesale customers to NBN Co (or its Personnel) undertaking Pull Through Activities using copper cables over which that Wholesale Customer is supplied with Wholesale Services;
- (b) A release from Wholesale Customers in favour of an NBN Co Benefited Person for certain Losses or Claims arising out of or in relation to the Pull Through Activities, Cable Rectification or installation of a Temporary Cable in relation to Pull Through Activities; and
- (c) A consent from Wholesale Customers for NBN Co or its Personnel to use and disclose confidential information of the Wholesale Customer provided to NBN Co or its Personnel to allow NBN Co to perform Pull Through Activities, Cable Rectification and installing any Temporary Cable; and
- (d) An undertaking by Wholesale Customers to provide information directly to NBN Co (if so requested) as to whether there is a priority assistance service, medical alert service, alarm service, or service with substantially similar service levels that are being supplied over a copper cable by a person other than Telstra.

These consents, releases and undertakings are also being obtained for and on behalf of NBN Co.

Draft Required Measure 1(a) is subject to approval by the ACCC. Section 5.4(d) of the Migration Plan requires the ACCC to approve the draft Required Measure if the ACCC is satisfied that it complies with the Migration Plan Principles detailed in the Minister's Determination *Telecommunications (Migration Plan Principles) Determination 2011* dated 23 June 2011 (the **Migration Plan Principles**). If the ACCC is not satisfied that the draft Required Measure complies with the Migration Plan Principles the ACCC must refuse to approve it and direct Telstra to resubmit an amended draft Required Measure that takes into account the concerns raised by the ACCC.

This submission explains draft Required Measure 1(a) and sets out how this Required Measure and the process used to develop this Required Measure comply with the Migration Plan Principles.

Pull Through is a process managed by NBN Co in which Telstra's role is necessarily limited. Similarly, the Migration Plan is limited in relation to the process of customers migrating to the NBN as it reflects Telstra's role as network owner of the separating networks, and Telstra does not have responsibility for the end-to-end process of migration of customers to the NBN. Accordingly, draft Required Measure 1(a) concerns Telstra's reasonable endeavours to obtain the Required Consents and does not extend to Pull Through or migration matters or issues more generally, which fall outside the scope of Clause 10(d) of the Migration Plan.

## 2. THE APPROACH TO OBTAINING THE CONSENTS, RELEASES AND UNDERTAKINGS

### Introduction

Draft Required Measure 1(a) explains Telstra's proposed approach to obtain various consents, releases and undertakings (the **Required Consents**) in favour of NBN Co from Wholesale customers in order for NBN Co to conduct Pull Through Activities in lead in conduits in the event NBN Co considers this is required to connect a service to the NBN.

### How Telstra will obtain the Required Consents

Telstra is proposing to seek the Required Consents from each Wholesale Customer on an upfront, global basis, i.e. in relation to all wholesale services acquired by the Wholesale Customer from time to time on Telstra's Copper Network. This will mirror the consent that Telstra has already given to NBN Co in its capacity as a service provider in respect of Telstra's own (Retail) services.

To give effect to this consent, Telstra is asking Wholesale Customers to sign a Deed Poll in favour of Telstra and NBN Co. A copy of the draft, standard Deed Poll is already available to Wholesale Customers on request, but will be provided proactively to all Wholesale Customers promptly after the ACCC approves this Required Measure<sup>1</sup>. Telstra will provide a copy of the draft Deed Poll to the ACCC upon request. Telstra will discuss the Deed Poll with Wholesale Customers, and will provide them with execution copies upon request. Telstra is also:

- Making available to Wholesale Customers the Briefing Materials in relation to the Pull Through process that are referred to in draft Required Measure 1(a). These materials are provided to assist Wholesale Customers in understanding when Pull Through may be required; and
- Requesting that Wholesale Customers who do not sign the Deed Poll nevertheless consent to Telstra providing NBN Co with the Wholesale Customer's details. There may be circumstances where NBN Co already has a Wholesale Customer's consent to Pull Through Activities or NBN Co may want to contact the Wholesale Customer directly.

### The rationale for this process

Telstra considers that the Required Consents will be efficiently and effectively obtained by using the global consent process described in draft Required Measure 1(a). An efficient and practical process is required because Telstra must respond to NBN Co Pull Through inquiries within a one hour window. By obtaining a global consent, Telstra needs only to check whether a Wholesale Customer has given the Required Consents generally, not whether they have given it for a specific line or premises. The proposed process also has efficiency benefits for the Wholesale Customer, which will not have to make resources available or introduce additional processes to answer individual queries regarding consent in relation to individual cables or premises.

In addition to enabling Wholesale Customers to provide the Required Consents to allow Pull Through on copper cables carrying their services, the draft standard Deed Poll addresses four other issues in relation to Pull Through:

- It enables Wholesale Customers to provide the Required Consents for other members of their corporate group as well as to identify other former company names for their group

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<sup>1</sup> Given the nature of this document, it is not appropriate for it to be publicly available.

in whose names services may still be registered in our systems. This ensures that if a Wholesale Customer has changed its name or acquired other entities but has not provided updated information for each individual service, they can still provide the Required Consents and allow pull through on cables where services are registered in Telstra's systems to those former entities;

- It allows Wholesale Customers to terminate the Deed Poll at any time if they wish to withdraw the Required Consents, which termination will take effect from the date effected within Telstra's systems (which will be within 10 Business Days after receipt of the notice of withdrawal). Termination will not affect Pull Through Activities that have already commenced;
- It allows Wholesale Customers to sign the Deed Poll prior to approval of this Required Measure because the standard draft Deed Poll includes a clause to allow Telstra to terminate the Deed Poll if this Required Measure is amended and approved in a different form that conflicts with the terms of the Deed Poll; and
- It is the mechanism for obtaining operational contacts and contact details to be used in the event that there is a Pull Through Exception Event or Temporary Cable installed (i.e. if there is an issue when pull through is conducted). Wholesale Customers will need to provide and keep updated the relevant contact details for Telstra to use when notifying customers of a Pull Through Exception Event or of installation of a Temporary Cable.

While Telstra believes there is benefit to Wholesale Customers and their end-users in the Wholesale Customers providing the Required Consents by signing the Deed Poll (and Telstra is encouraging Wholesale Customers to do so), and Telstra will be encouraging Wholesale Customers to provide the Required Consents, Wholesale Customers who do not wish to allow Pull Through on cables on which they are acquiring services from Telstra do not have to provide the Required Consents.

### 3. RELEVANT MIGRATION PLAN PRINCIPLES

The ACCC identified the Migration Plan Principles (**MPPs**) that are most relevant to Required Measure 1 in its Final Decision on the Migration Plan, *"Assessment of Telstra's Structural Separation Undertaking and Draft Migration Plan: Final Decision"*, February 2012 (the **Migration Plan Decision**). Attachment B1 to the Migration Plan Decision identified the following MPPs as being relevant to Clause 10 of the Migration Plan:

- (a) **MPP 19:** The reasonable steps that a Wholesale Customer may take to control the timing of the disconnection of their services from Telstra's network, and any known circumstances where a Wholesale Customer may not be able to take those steps;
- (b) **MPP 23:** Requirements that:
  - i. Telstra work in good faith with other industry participants so that the migration of retail and wholesale customers is consistent with MPP 8 and MPP 21, which require provision for:

From **MPP 8:**

    1. Ensuring the efficient and timely disconnection of services;
    2. Minimizing disruption to the supply of fixed-line carriage services, including reasonable policies and business practices in this regard;
    3. Giving, to the greatest extent possible, wholesale customers autonomy over decisions about the timing of disconnection and sequencing of disconnection with connection to the NBN CO fibre network, including reasonable policies and business practices in this regard;

4. Disconnection of wholesale carriage services in an equivalent manner to the disconnection of corresponding fixed-line carriage services supplied by Telstra to itself, including reasonable policies and business practices in this regard;
5. In respect of the policies and business practices referred to above, the management by wholesale customers of migration in a way that minimizes any service outage period and the time taken to complete local number portability processes and any ancillary procedures; and

From **MPP 21**:

6. The equivalent treatment of wholesale customers and retail business units in the implementation of service disconnection processes.
    - ii. Telstra use existing disconnection processes, unless the ACCC or the independent telecommunications adjudicator determines otherwise;
- (c) **MPP 24**: Processes required for disconnection, including in particular the processes to be used for disconnection:
- i. by pull-through;
  - ii. where the copper line is used by more than one carriage service provider to supply fixed-line carriage services; and
  - iii. where only a standard telephone service is provided over the copper line.

These MPPs are set out in greater detail in the table at Part 4 below.

## 4. REQUIRED MEASURE 1(a) COMPLIES WITH THE MIGRATION PLAN PRINCIPLES

This Required Measure 1(a) complies with the relevant MPPs identified above (and is consistent with the requirements in the Migration Plan relating to this Required Measure, which has already been determined by the ACCC to be consistent with the MPPs), and therefore should be approved by the ACCC. The table below sets out in detail how Required Measure 1(a) complies with each of the MPPs identified by the ACCC as being most relevant to Pull Through.

<i>Migration Plan Principle</i>	<i>How Telstra has addressed the Principle in the draft Required Measure 1(a)</i>
<p><b>MPP19: Control of Disconnection Timing and Processes</b></p> <p>The Migration Plan must set out:</p> <p>(a) Reasonable steps that a wholesale customer may take in order to control the timing of the disconnection by Telstra of wholesale carriage services from a separating network in a fibre rollout region following the region ready for service date and before the disconnection date for that fibre rollout region; and</p>	<p>Telstra's draft process for obtaining the Required Consents gives control to Wholesale Customers at premises where they are acquiring services and where Pull Through may occur. It does not impact the Wholesale Customer's ability to determine the appropriate timing for disconnection of their wholesale carriage services from Telstra's network during the Migration Period. There is also no compulsion upon Wholesale customers to provide their consent to Pull Through.</p> <p>Wholesale Customers who agree to provide consent can contact their own customers about Pull Through in advance of it occurring (for example, when NBN Co announces the relevant region's Ready for Service Date) and inform them how to divert calls to another service.</p>

	<p>Where a Wholesale Customer refuses to provide consent, Telstra will advise NBN Co that the relevant cable cannot be used for Pull Through and the premises will not be connected in that manner.</p> <p>Where the Wholesale Customer is migrating the end user to an NBN fibre service, it will be responsible for obtaining the end user's consent to pull through and can further engage with the end user on the process and timing at that point.</p>
(b) any known circumstances where a wholesale customer may not be able to take those steps.	Telstra's draft process allows for circumstances where a Wholesale Customer may not agree to participate in the proposed consents process because providing the Required Consents is optional. It also does not override any practice or procedure that NBN Co may have to decide whether or not to allow Pull Through at a particular premises, since, even if the relevant Wholesale customer has provided Required Consents, the ultimate decision as to whether Pull Through occurs rests with NBN Co.
<p><b>MPP 23: Use of Adequate Processes</b></p> <p>The Migration Plan must require Telstra to work in good faith with other industry participants to ensure that:</p> <p>(a) the processes for disconnecting fixed-line carriage services from a separating network at premises in fibre roll out regions; and</p> <p>(b) local number portability processes;</p> <p>facilitate the migration of retail customers and wholesale customers in a way that is consistent with the general principles at sections 8 and 21.</p>	<p>By consulting with Wholesale Customers formally and informally and also with NBN Co on the processes described in draft Required Measure 1(a), Telstra has worked in good faith with industry to develop the draft Required Measure 1(a) to facilitate disconnection processes of premises in a way that is consistent with the MPPs 8 and 21.</p> <p>By using the process in the draft Required Measure 1(a), Telstra will obtain Wholesale Customer consents, releases and undertakings on behalf of NBN Co to facilitate NBN Co's rollout of the NBN fibre network should NBN Co choose to undertake Pull Through at a particular premises.</p> <p>This proposed process also seeks consent for disclosure of the customer's name to NBN Co so that NBN Co can assess whether they have separately obtained consent from that customer, to again assist NBN Co in making its decision as to whether to undertake Pull Through at particular premises.</p> <p>Wholesale Customers consulted in the process of developing draft Required Measure 1(a) have been generally supportive of the proposed process as a pragmatic, efficient and timely process, and have not requested any specific changes to the draft Required Measure 1(a). The vast majority of the comments received from Wholesale Customers related instead to the process of Pull Through rather than the</p>



	process by which we proposed obtaining the Required Consents to Pull Through Activities. Details of the feedback received from Wholesale Customers will be provided to the ACCC.
<p><i>By virtue of a cross-reference in MPP 23:</i></p> <p><b>MPP 8: Disconnection of Carriage Services</b></p> <p>The Migration Plan must provide for disconnection of fixed-line carriage services supplied to premises in a fibre rollout region to occur in a way that:</p> <p>(a) ensures the efficient and timely disconnection of wholesale carriage services and retail fixed-line carriage services from a separating network; and</p>	<p>Telstra's proposed process is efficient, timely, and pragmatic because it allows for consents to be provided globally rather than on a per premises basis. It also allows for the Required Consents to be provided in advance of Pull Through activity. This allows for a faster Pull Through process compared to the alternative situation where NBN Co would need to wait on the day Pull Through is to occur for Telstra to contact relevant staff of the Wholesale Customer, for the Wholesale Customer to call the end user to obtain consent, for the Wholesale Customer to confirm its and the end-user's consent with Telstra, and for Telstra to confirm consent with NBN Co. This alternative process would be cumbersome and impractical. It is also not workable given the timeframe agreed with NBN Co for Telstra to respond on whether there is a cable suitable for Pull Through (which includes whether Required Consents have been obtained from all relevant Wholesale customers) – this timeframe is only one hour.</p>
<p>(b) to the extent it is in Telstra's control, minimizes disruption to the supply of fixed-line carriage services; and</p>	<p>The draft Required Measure 1(a) merely addresses the issue of how Telstra will seek to obtain Wholesale Customer consents, releases and undertakings to Pull Through. It does not, of itself, impact the level of disruption to the supply of fixed-line carriage services over which Telstra has control. Wholesale Customers who agree to Pull Through are able to manage any outages with their end-users through the use of options such as call diversion features, the availability of mobile phone services, etc.</p>
<p>(c) to the greatest extent practicable, gives wholesale customers autonomy over decisions about the timing of disconnection from a separating network and sequencing of that disconnection with connection to the NBN Co fibre network to enable them to minimise disruption to the supply of carriage services when connecting to the NBN Co fibre network; and</p>	<p>By allowing Wholesale Customers to decide whether to provide the Required Consents, draft Required Measure 1(a) does not interfere with Wholesale Customers' existing autonomy over the decision on the timing of disconnection of premises from a separating network, enabling them to minimise disruption to services.</p>
<p>(d) to the greatest extent practicable, provides for wholesale carriage services</p>	<p>Telstra has provided NBN Co with relevant consents to conduct Pull Through Activities for</p>

supplied by Telstra over a separating network to be disconnected from that network in an equivalent manner to the disconnection of corresponding fixed-line carriage services supplied by Telstra to itself over that network in that roll out region.	its retail customers. Draft Required Measure 1(a) provides the same opportunity for Wholesale Customers to have their customers connected to NBN fibre using the Pull Through process.
(2) For the purposes of paragraphs (1)(b), (c) and (d), the Migration Plan must require Telstra to have in place reasonable policies and business practices relating to disconnection from a separating network.	<p>Draft Required Measure 1(a) is part of the Pull Through process described in clause 10.1 of the Migration Plan, which may be undertaken as part of the connection of services to the NBN. It is a reasonable policy and business practice because it enables Wholesale Customers to readily agree to Pull Through Activities occurring and may result in a positive connection experience for end users.</p> <p>Draft Required Measure 1(a) only applies in the event that NBN Co decides to undertake Pull Through at a particular premises, and does not otherwise interfere with the Wholesale Customer's ability to control the general timing and process of disconnection under the Migration Plan.</p>
<p>(3) The policies and business practices referred to in subsection (2) must provide for Telstra to facilitate, to the extent it is reasonably in Telstra's control to do so, the management by wholesale customers of the migration of their customers in a way that minimizes:</p> <p>(a) the period of any service outage; and</p> <p>(b) the time taken to complete local number portability processes and any ancillary procedures.</p>	<p>The draft Required Measure 1(a) supports Wholesale Customers' ability to manage the migration experience for their end customers to minimise service outage because:</p> <ul style="list-style-type: none"> <li>• in obtaining consents from end users to Pull Through when migrating them to the NBN, Wholesale Customers have the opportunity to inform end users how to divert calls to another service if Pull Through is to occur, and/or for the Wholesale Customer to make any other arrangements needed;</li> <li>• the proposed process enables NBN Co to engage in Pull Through Activities which facilitate the connection of premises to the NBN; and</li> <li>• while Telstra believes there are benefits in allowing Pull Through, Pull Through will not take place on a cable unless all relevant Wholesale Customers have provided the Required Consents. Further a Wholesale Customer may withdraw consent in respect of future Pull Through activity by providing written notice to Telstra.</li> </ul>
<p><i>By virtue of a cross-reference in MPP 23:</i></p> <p><b>MPP 21: Equivalence regarding disconnecting Telstra retail business units</b></p>	<p>Telstra has provided NBN Co with consent to use Pull Through for Telstra's retail customers. Under the global consent process Telstra</p>

<p><b>and wholesale customers</b></p> <p>The migration plan must provide for the equivalent treatment of wholesale customers and retail business units in the implementation of the processes for disconnecting carriage services from a separating network at premises in each fibre rollout region.</p>	<p>proposes in draft Required Measure 1(a), Wholesale Customers will have the same opportunity to have their customers connected to NBN fibre using Pull Through.</p>
<p><b>MPP 24: Specification of Disconnection Processes</b></p> <p>(1) The migration plan must set out the processes that will be required for a wholesale customer to lodge, and for Telstra to accept, process and execute, an order from that wholesale customer for disconnection from a separating network of wholesale carriage services supplied to that wholesale customer at premises in a fibre rollout region.</p>	<p>This part of MPP 24 is not applicable because the draft Required Measure 1(a) is not an order driven process.</p>
<p>(2) The migration plan must specify which processes will be used by Telstra to disconnect from a separating network the wholesale carriage services supplied to a wholesale customers at premises in a fibre rollout region in the various types of disconnection scenarios that may arise, including (without limitation):</p> <p>(a) The disconnection of fixed-line carriage services to a premises over a copper network in the course of connecting that premises to the NBN Co fibre network by pull through;</p>	<p>The draft Required Measure 1(a) specifies the processes Telstra will implement to obtain the Required Consents to facilitate Pull Through Activities by NBN Co at particular Premises.</p>
<p>(b) the disconnection of fixed-line carriage services over a copper line used by more than one carriage service provider to supply fixed-line carriage services;</p>	<p>Required Consents are needed from all Wholesale Customers using the cable in which the line is located for Telstra to inform NBN Co that Pull Through can occur.</p>
<p>(c) the disconnection of fixed-line carriage services over a copper line over which only a standard telephone service is provided.</p>	<p>Required Consents must be obtained from all affected Wholesale Customers for Telstra to inform NBN Co that Pull Through can occur at a particular premises.</p>

The ACCC's Migration Plan Decision also identified four MPPs relevant to the Required Measures generally. Draft Required Measure 1(a) is compliant with those MPPs, as follows:

- (a) **MPP 21: Equivalence:** The compliance of draft Required Measure 1(a) is detailed in the table above.
- (b) **MPP 23: Use of adequate processes:** The compliance of draft Required Measure 1(a) is detailed in the table above.

- (c) **MPP 29: Protection of Information:** Information received by Telstra from Wholesale Customers through the processes set out in draft Required Measure 1(a) will be subject to and treated in accordance with the information security provisions of the Migration Plan, to the extent that the information provided by a Wholesale Customer is Confidential Information. This Required Measure does not relate to Telstra receiving information from NBN Co, as it solely relates to Telstra using reasonable endeavours to obtain the Required Consents from Wholesale Customers. However, for the sake of clarity, if any information received by NBN Co in relation to Pull Through falls under Required Measure 6, Telstra will treat it according to those requirements. .
- (d) **MPP 36: Required Measure Development Process:** Telstra has complied with the process requirements of MPP 36 in developing draft Required Measure 1(a). In particular, Telstra has: consulted with Wholesale Customers as detailed separately below; published a compliant work plan in May 2012, and a revised version in August 2012; and kept the ACCC informed of progress. Finally, in compliance with MPP 36 Telstra is now lodging this draft Required Measure 1(a).

## 5. CONSULTATION WITH NBN CO AND WHOLESALE CUSTOMERS

Clause 5.3 of the Migration Plan requires Telstra to include within the Work Plans developed in respect of the Required Measures an engagement strategy for consulting with Wholesale customers where the Required Measure (a) needs to be consistent with an existing standard industry process; (b) will be likely to involve any system or process modifications by Wholesale customers; or (c) will establish a process which Wholesale customers will need to use for the purposes of the Migration Plan. Such provision for consultation with Wholesale Customers is required by MPP 36(b).

In addition, Clause 30(c) of the Migration Plan requires Telstra to consult with NBN Co in the development of Required Measures.

Telstra foreshadowed this consultation in the "*Work Plans for the development of Required Measures*", dated 25 May 2012.

Telstra consulted with NBN Co in the development of this Required Measure 1(a) as follows:

- (a) Telstra sent a copy of the draft Required Measure 1(a) to NBN Co, together with Telstra's briefing pack and a copy of the Deed Poll, prior to commencing consultation with Wholesale Customers; and
- (b) The feedback received from NBN Co on the draft Required Measure 1(a) was taken into account in developing the draft Required Measure which was made available to Wholesale Customers; and
- (c) NBN Co was provided a courtesy copy of the final draft Required Measure 1(a) prior to its lodgement with the ACCC.

Telstra engaged with Wholesale Customers in the development of this Required Measure 1(a) as follows:

- (d) On 16 July 2012, Telstra published the draft Required Measure 1(a) and supporting briefing materials on telstrawholesale.com and on the Telstra Wholesale Customer Portal (TWCP);
- (e) Telstra wrote to Wholesale Customers notifying them that the draft Required Measure 1(a) and briefing materials were available;
- (f) Telstra provided Wholesale Customers with two weeks to provide their responses to the draft Required Measure 1(a);
- (g) To assist Wholesale Customers to provide written feedback, Telstra made available an online feedback form; and
- (h) Telstra conducted one-to-one briefing sessions with its larger Wholesale Customers, at which Telstra received verbal feedback.

Wholesale Customers generally agreed that the global consent process described in draft Required Measure 1(a) was a pragmatic and sensible approach to take to obtain the Required Consents to Pull Through Activities. Telstra considers that this process was well understood by Wholesale Customers.

Telstra received queries from some Wholesale Customers about matters outside the scope of Required Measure 1(a), and for some suggestions to changes to Required Measure 1(a) which were outside the scope of the Required Measure – in other words, queries and suggestions going beyond the process for obtaining the Required Consents or otherwise relating to the Pull Through process more generally. Because Pull Through is a process to be managed by NBN Co, Telstra is providing assistance where it can but a number of the matters raised are more appropriate to be addressed by NBN Co.

Telstra has taken Wholesale Customers' and NBN Co's feedback into account in finalising Required Measure 1(a) for submission to the ACCC. Telstra has not made substantive changes to the draft Required Measure 1(a) that was made available to Wholesale Customers for consultation.

## 6. REPORTING AND COMPLIANCE

Clause 25.1(b) of the Migration Plan requires Telstra to include in each Required Measure a proposed approach to monitoring compliance by Telstra with that Required Measure.

As set out in draft Required Measure 1(a), Telstra proposes a quarterly reporting framework against three key metrics.

Telstra considers that the proposed reporting framework will provide the ACCC with sufficient information to monitor Telstra's implementation of Required Measure 1(a), because the ACCC regularly will receive updated information on the number of Telstra Wholesale Customers who have and have not provided the Required Consents.

## 7. THE ACCC SHOULD APPROVE THIS REQUIRED MEASURE

As demonstrated in this submission, draft Required Measure 1(a) is consistent with the relevant MPPs, and on that basis Telstra believes that the ACCC should approve draft Required Measure 1(a). Additionally, Telstra considers that draft Required Measure 1(a) meets the requirements of the Migration Plan generally, takes into account the feedback received from NBN Co and Wholesale Customers, and adopts an efficient and pragmatic approach to obtaining the Required Consents.