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ACCC

Via email: ssu-migration@accc.gov.au

RE: Migration plan required measures relating to the pull through connection process

ACCAN thanks the ACCC for the opportunity to comment.

ACCAN understands that these required measures relate to the practice of using an existing lead in cable to 'pull through' an NBN fibre optic cable from the street to the premise. In order to do this, the existing copper line or HFC cable is disconnected and attached to the fibre cable, and used to draw the fibre cable through the conduit. Once the fibre cable is in place, the copper or HFC cable will be reinstated if it is still required.

We understand NBN Co will only use this method where it is not otherwise possible to install the fibre in an existing conduit from a curb to a premise, and will only be used after an end user submits an order to switchover existing services to the NBN.

Minimising consumer detriment should be central principle

It is evident that the pull through process has the potential to inconvenience consumers by disruption to their essential communications services, and it is therefore important for consumers to be adequately informed about all their options and for there to be sufficient warning and accurate information about service outages.

As a principle, the ACCC should only approve arrangements that optimise the migration process for consumers, meaning as seamless a transition of services as possible and minimised service down time for consumers.

Clearly there are challenges to managing the flow of information between end-users, NBN Co, Telstra and retail service providers (RSPs). RSPs that are Telstra's wholesale customers will be in the best position to advise the ACCC on the relative efficiency of particular processes.

However, ACCAN notes with concern the ACCC's analysis that:

> "there is a lack of clarity regarding the precise nature of the roles and responsibilities that all parties will take on in the end-to-end pull through process, or the extent to which all parties will in fact cooperate to ensure that pull through is undertaken in an appropriate manner."

ACCAN would be very concerned if measures were approved by the ACCC whereby a retail service provider would be unaware if pull through would be used and therefore would not be

able to make appropriate arrangements to assist their customers with call diversion and other interim arrangements.

Minimising disruption to end-users must be the central principle in the migration process. Accordingly, the pull through process must be designed in such a way that a consumer does not encounter 'buck passing' and there are clear lines of responsibility and accountability for properly restoring services after a pull through outage. The process also needs to ensure that consumers can always make the decisions they need to make with sufficient warning.

Additional administrative burden on Telstra or other parties is not a sufficient justification for short cuts that may result in consumers and their retail service providers being in the dark about service disruptions.

Scenarios of service disruption without consent or prior notice

ACCAN has had the benefit of reading the scenarios provided by iiNet in its submission[1] which illustrate how the required measures in the form currently submitted by Telstra could potentially see consumers having their service disrupted without their knowledge and without prior warning. We do not believe this type of scenario is acceptable or should be permitted to occur by the required measures.

Accordingly we would not favour the 'global consent' approach proposed by Telstra where either the wholesale customer provides the consents in all instances or not at all.

Alternatives to the global consent approach would therefore appear to be more suitable to providing certainty for consumers. By giving more autonomy to retail service providers to respond in a flexible manner to the needs of their customers, the inconveniences described in the scenarios from iiNet can be minimised.

ACCAN would urge the ACCC to consider the proposals from iiNet[2] on an effective and more consumer-focused way for RSPs to manage the consents to pull through. Other acceptable methods could be based on the ACCC's suggestions of a line by line consent process or exemptions from a global consent based on particular categories.

Priority assistance and medical alert services

ACCAN agrees with the ACCC that in light of the potentially serious consequences for vulnerable customers that may arise from service outages during pull through, there should be assurance that proper information on priority assistance and medical alert services provided over a particular copper line will be available to NBN Co when it is deciding on the use of pull through and that measures are in place to ensure RSPs have an incentive to be vigilant in complying with obligations to supply information of this kind.

Tests to determine whether the service outage is over

ACCAN is concerned that the current wording on determining the end of a service outage does not contain an obligation to ensure the previously existing services are reinstated and again functioning properly. This should be explicitly stated.

Notification of pull through exception events

ACCAN is concerned to ensure that consumers are informed in a timely manner of any delays to work occasioned by poor weather conditions or other factors.

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[1] iiNet submission, page 6.

[2] Ibid.

To ensure that this occurs, ACCAN believes that notification obligations on Telstra to its wholesale customers should not be vague and the method(s) of informing should be specified. We agree with the ACCC that metrics should be created which provide transparency on the time taken by Telstra to advise wholesale customers of notification events.

Sincerely,

Jonathan Gadir

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