



Migration Plan Variation

Deferral of disconnection for various services and other amendments

Decision

February 2020



Australian Competition and Consumer Commission

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Executive Summary

This document sets out the Australian Competition and Consumer Commission's (ACCC) decision on Telstra's proposed variation to the Migration Plan, submitted to the ACCC on 18 November 2019.

In making this decision, the ACCC has considered the submission received in response to the public consultation about Telstra's proposed variation to the Migration Plan. The ACCC is satisfied that the proposed varied Migration Plan complies with the Migration Plan Principles. Therefore, the ACCC's decision is to approve Telstra's proposed varied Migration Plan.

The Migration Plan sets out the steps that Telstra will take to progressively migrate voice and broadband services from its copper and hybrid-fibre coaxial (HFC) networks to the National Broadband Network (NBN) as it is rolled out across Australia through mandatory disconnection of legacy services. The original Migration Plan was approved by the ACCC and commenced operation on 7 March 2012. Since that date the ACCC has considered and approved a number of variations to the Migration Plan. The current Migration Plan was approved by the ACCC on 26 October 2018.¹

On 18 November 2019, Telstra submitted a proposed variation to the Migration Plan to the ACCC under subsection 577BF(2) of the *Telecommunications Act 1997*. The proposed variation formalises arrangements already subject to ACCC forbearance.

On 27 November 2019, the ACCC published the proposed variation on its website and invited submissions about the variation by 10 January 2019.² The ACCC received one submission.

¹ ACCC, *Telstra's Migration Plan – Variation approved*, 26 October 2018, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-approved-1>.

² ACCC, *Telstra's Migration Plan – Variation request submitted (deferral of disconnection - various services)*, 27 November 2019, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

1. Introduction

1.1. Lodgement of proposed varied Migration Plan

On 18 November 2019, Telstra submitted a proposed varied Migration Plan to the ACCC under subsection 577BF(2) of the *Telecommunications Act 1997*, along with a submission in support.³ The proposed variation formalises arrangements that are already subject to ACCC forbearance and covers a number of services:

- extended timeframes for disconnection requirements for non-serviceable premises
- deferral of disconnection requirements for a small number of end-users dependent on Telstra's 'atomic clock' signal⁴ in their DDS Fastway⁵ and Megalink⁶ Special Services,⁷ which includes amendments to Required Measure 5(D)
- extension to the classification of In-Train Order (ITO)⁸ Premises to include instances where NBN Co has changed a premises' available access technology to Fibre to the Premises.

The proposed variations also include an amendment to Required Measure 5(B), which deals with the disconnection process for CustomNet.⁹ The disconnection arrangements provide for a national product exit for all CustomNet services on 31 January 2020.¹⁰

For Required Measures, amendments do not require ACCC approval, but the ACCC may object if it does not comply with the Migration Plan Principles. Telstra previously consulted with the ACCC on replacement Required Measure 5(B) and the ACCC did not object to its publication.¹¹

On 27 November 2019, the ACCC published a notice on its website setting out Telstra's proposed variation to the Migration Plan and invited submissions about the variation by 10 January 2019.¹² The ACCC received one submission from NBN Co that was supportive of the proposed variation.

1.2. Background on the Migration Plan

The Migration Plan sets out the steps that Telstra will take to progressively migrate voice and broadband services from its copper and HFC networks to the NBN. It also includes obligations to manage information obtained by Telstra from NBN Co and a commitment to

³ ACCC, *Telstra's Migration Plan – Variation request submitted (deferral of disconnection - various services)*, 27 November 2019, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

⁴ A stable and accurate clock signal used for network synchronisation and timing.

⁵ Digital data service (DDS) Fastway is a high speed business communication service.

⁶ Megalink is a digital transmission service which can be used to support data, voice, facsimile, image applications and access to the internet.

⁷ Special Services are typically business-grade services used for critical purposes other than standard landline phone or internet services.

⁸ An ITO process provides customers with a longer period before mandatory disconnection occurs where a valid order is in place for migration to the NBN.

⁹ CustomNet is a business communication service that provides advanced call handling features and in particular is used by a number of emergency services.

¹⁰ ACCC, *Telstra's Migration Plan – Replacement Required Measure 5(B)*, 10 January 2019, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/replacement-required-measure-5b>.

¹¹ ACCC, *Telstra's Migration Plan – Replacement Required Measure 5(B)*, 10 January 2019, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/replacement-required-measure-5b>.

¹² Pursuant to subsection 577BF(4) of the *Telecommunications Act 1997*.

develop certain operational processes (Required Measures). The first Migration Plan was approved by the ACCC on 7 March 2012.

The ACCC has since considered and approved a number of variations to the Migration Plan, including variations relating to:¹³

- the move to a multi-technology mix (MTM) rollout model adopted by NBN Co and revised Definitive Agreements between Telstra and NBN Co for the NBN rollout¹⁴
- deferral of disconnection and changes to ITO arrangements¹⁵
- the use of Fibre-to-the-Curb as an access technology for the NBN¹⁶
- changed arrangements for Special Services, Special Services Inputs and Hybrid Fibre Coaxial Services.¹⁷

The current Migration Plan was approved by the ACCC on 26 October 2018.¹⁸

¹³ For a full list see ACCC, *Telstra's Migration Plan*, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan>.

¹⁴ ACCC, *Telstra's Migration Plan – Variation approved (Multi-technology NBN & revised Definitive Agreements)*, 26 June 2015, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-approved-multi-technology-nbn-revised-definitive-agreements>.

¹⁵ ACCC, *Telstra's Migration Plan – Variation to the Migration Plan Approved*, 21 July 2016, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-to-the-migration-plan-approved>.

¹⁶ ACCC, *Telstra's Migration Plan – ACCC approves variation to the Migration Plan to facilitate the rollout of Fibre to the Curb for the NBN*, 6 March 2018, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/accc-approves-variation-to-the-migration-plan-to-facilitate-the-rollout-of-fibre-to-the-curb-for-the-nbn>.

¹⁷ ACCC, *Telstra's Migration Plan – Variation approved*, 26 October 2018, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-approved-1>.

¹⁸ ACCC, *Telstra's Migration Plan – Variation approved*, 26 October 2018, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-approved-1>.

2. Legislative framework

2.1. The *Telecommunications Act 1997*

The *Telecommunications Act 1997* creates the framework for the assessment of a proposed variation to the Migration Plan. Part 33 sets out the regulatory framework for the structural separation of Telstra. Under subsection 577BC(1), Telstra may have a Migration Plan approved by the ACCC in order to implement its chosen form of structural separation.

The *Telecommunications Act 1997* states that a Migration Plan must comply with the Migration Plan Principles.

2.2. Migration Plan Principles

The ACCC's role in assessing a variation to the Migration Plan is to ensure that the Migration Plan, as varied, complies with the Migration Plan Principles.¹⁹

The Migration Plan Principles define the objectives and scope of a Migration Plan and prescribe the way in which the Migration Plan can deal with certain issues. There are three types of principles:

- general principles – the overarching principles that must be met by the Migration Plan, including equivalence and service continuity objectives
- specific principles – further detail about how some of the general principles are to be given effect in the Migration Plan
- procedural principles – the procedural provisions that must be included in the Migration Plan.

The general principles include:

- the efficient and timely disconnection of carriage services from the separating network
- minimising disruption to the supply of services to the extent that it is within Telstra's control
- giving wholesale customers autonomy over decisions associated with disconnection to the greatest extent practicable
- providing for wholesale services to be disconnected in an equivalent manner to retail services to the greatest extent practicable.

2.3. The ACCC's Role

The ACCC's role in assessing Telstra's proposed variation is limited to:

- approving the proposed variation if it is satisfied that the varied Migration Plan complies with the Migration Plan Principles, or
- refusing to approve the proposed variation if it is not satisfied that the varied Migration Plan does not comply with the Migration Plan Principles.²⁰

The ACCC can consider a proposed variation but does not have discretion to seek changes to the proposed variation merely based on a preference for a particular approach.

¹⁹ Department of Communications and the Arts, *Telecommunications (Migration Plan Principles) Determination 2015*, 21 January 2015, <https://www.communications.gov.au/publications/telecommunications-migration-plan-principles-determination-2015>.

²⁰ Section 577BF of the *Telecommunications Act 1997*.

Where the proposed variation adopts an approach that is consistent with a specific or procedural principle in respect of a matter, the proposed variation is taken to comply with all the principles in respect of that matter.²¹

The general principles are relevant if the proposed variation does not accord directly with a specific or procedural principle, or if a matter is not dealt with at all by a specific or procedural principle. If this is the case, the ACCC must consider the matter in light of all the principles, including the general principles, and decide whether those provisions of the proposed variation should be accepted.

²¹ Clause of 8(2) of the *Telecommunications (Migration Plan Principles) Determination 2015*.

3. Assessment of the proposed variation

The ACCC has considered the submission received in response to the public consultation and assessed whether the proposed varied Migration Plan complies with the Migration Plan Principles.²² As a number of aspects of the proposed variation do not accord directly with a specific or procedural principle, the ACCC has assessed the proposed variation in light of all the principles (including the general principles).

3.1. Extended timeframes for disconnection of non-serviceable premises

Once NBN declares an area to be Ready For Service, customers, whether households or businesses generally have 18 months to migrate their fixed line service to the NBN or an alternative telecommunications network. This 18 month period is known as the migration window before the Disconnection Date.

The Migration Plan requires Telstra to commence disconnection of all copper and HFC services which are still active at premises within NBN rollout regions five business days after the relevant Disconnection Date.²³ Telstra is required to complete the disconnection within 45 business days after the Disconnection Date, except for certain types of premises which have specific disconnection regimes (e.g. ITO premises).²⁴

Telstra proposes to include an additional exception for premises that are not yet NBN-serviceable.²⁵ The proposed exception provides for two types of extended disconnection timeframes:

- 1) If a premises is not NBN-serviceable during the three months before its original Disconnection Date, there is an extension of 150 business days to the Disconnection Date. Telstra must be notified by NBN Co that a premises falls in this category.
- 2) For premises that are extended under the first category, if the new Disconnection Date is after 20 March 2019, there is an additional extension available. Telstra must be notified in writing by NBN Co that the premises remains not NBN-serviceable. Subsequently there is an additional 150 business day extension for Telstra to commence disconnection of the affected premises.

Telstra has estimated that as at September 2019, around 17,350 premises fell into the first category, with around 7,650 of these premises being in the second category.²⁶ The effect of these proposed extensions is that a premises that NBN Co notifies to Telstra as not yet NBN-serviceable can have its Disconnection Date extended by up to 300 business days.

Any premises that meet the criteria of the proposed extensions can have its Disconnection Date extended, regardless of which Disconnection Wave it is in. Telstra notes in its submission that for the second category of extension, there are affected premises in Disconnection Waves 51, 52, 54-56 and 58.²⁷ These Disconnection Waves previously had Disconnection Dates ranging from August 2018 to March 2019.

²² Subsections 577BF(3) and (4) of the *Telecommunications Act 1997*.

²³ Clause 14.1(a) of the Migration Plan.

²⁴ Clause 14.1(b) of the Migration Plan.

²⁵ Proposed clause 15.9 of the Migration Plan.

²⁶ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 3, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

²⁷ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 4, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

Telstra submits that there have been ongoing issues regarding NBN-serviceability and these proposed variations will enable additional time for:

- NBN Co to make the premises NBN-serviceable
- retail service providers (RSPs) to work with their end-users to move to the NBN
- NBN migration to be completed before the extended disconnection dates.²⁸

Telstra submits that these proposed disconnection extensions comply with the Migration Plan Principles since they are designed to ensure minimal disruption to end-users and will thereby promote service continuity for premises that are not yet NBN-serviceable.²⁹ Telstra considers that the proposed variation accords with General Principle 10(1)(b),³⁰ which requires Telstra to ensure disconnections occur in a way to minimise disruption to the supply of fixed-line carriage services to the extent it is in Telstra's control. Telstra also considers that the proposed variation is consistent with Specific Principles 12(7), 12(8), 13(5) and 13(6), which relate to maximum periods for disconnection of no-order disconnection premises and ensure that revised disconnection periods are consistent with the Definitive Agreements.

3.1.1. Submissions received

NBN Co supported the proposed variation to allow the ongoing availability of legacy services at premises that are not yet serviceable on the NBN network.³¹ NBN Co considered it appropriate to extend the timeframes for Telstra to commence disconnection of legacy services at premises where serviceability has not yet been achieved, so that end-users can continue to receive legacy services until they are able to be connected to the NBN.³²

NBN Co noted that there are some challenges leading to serviceability issues due to the scale and complexity of the NBN rollout.³³ NBN Co also noted that the Migration Plan operates consistently with the principle of maintaining legacy connections until NBN serviceability has been achieved. As an example, NBN Co highlighted that the cease sale obligations (which sets out the conditions under which Telstra will not supply new copper or HFC services) do not apply to unserviceable premises and Telstra's ability to reconnect premises.³⁴

²⁸ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 3, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

²⁹ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 4, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

³⁰ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, pp. 4,5, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

³¹ NBN Co, *Telstra's Proposal to vary the Migration Plan – Submission*, 10 January 2019, p.1. <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

³² NBN Co, *Telstra's Proposal to vary the Migration Plan – Submission*, 10 January 2019, p.1. <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

³³ NBN Co, *Telstra's Proposal to vary the Migration Plan – Submission*, 10 January 2019, p.2. <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

³⁴ NBN Co, *Telstra's Proposal to vary the Migration Plan – Submission*, 10 January 2019, p.2. <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

3.1.2. ACCC views

The ACCC has granted a number of forbearance requests for extensions to disconnection requirements currently in the Migration Plan for premises that are not yet NBN-serviceable.³⁵ The forbearance requests were granted on the basis that the extensions will promote service continuity.

The ACCC considers that the proposed variation will promote greater service continuity and provide Telstra, NBN Co and RSPs with additional time to complete end-user migration activities before disconnection of legacy services. In particular, the ACCC considers that the proposed variation accords with General Principle 10(1)(b) as it seeks to minimise disruption to the supply of fixed-line carriage services to the extent that is in Telstra's control. The ACCC considers that the proposed variations is consistent with Specific Principles 12 and 13, which require the Migration Plan to set out the processes that Telstra will use to disconnect carriage services using copper and HFC services respectively, including for premises which Telstra has not received an order for connection to the NBN network. The proposed variation provides broadly applicable extensions for premises that are not yet NBN-serviceable, to promote greater service continuity in the migration process.

The ACCC is satisfied that the variation to the Migration Plan is consistent with the Migration Plan Principles in relation to the disconnection of copper and HFC services at premises that are not yet NBN-serviceable.

3.2. Deferral of disconnection requirements for DDS Fastway and Megalink Special Services dependent on Telstra's 'atomic clock' signal

Telstra proposes to extend the disconnection arrangements for some DDS Fastway and Megalink Special Services, which Telstra's advises are:³⁶

- used to support critical infrastructure, and
- dependent on the 'atomic clock' service provided by Telstra as part of the service.

The proposed variation allows the atomic clock service to continue to be supplied to premises due to be disconnected on or before 31 December 2020 and agreed by NBN Co and Telstra to be 'critical infrastructure premises'.

The insertion of clause 10.7 into Required Measure 5(D) provides that Telstra can continue to supply atomic clock services until 31 December 2020 and will commence disconnection 5 business days after this date. Service disconnection is to be completed within 20 business days after 31 December 2020, and permanent disconnection is to be completed within 55 business days of this date.

The ACCC is not required to approve the varied Required Measure but may object if it does not comply with the Migration Plan Principles. Telstra advised that it has communicated the varied Required Measure 5(D) to NBN Co and wholesale customers in addition to the ACCC, as required under the Migration Plan.

Telstra proposes a number of consequential amendments to clause 22 of the Migration plan to reflect that atomic clock services are an exception to the standard disconnection processes for DDS Fastway and Megalink Special Services. Currently, the affected services must be disconnected by 31 December 2020.

³⁵ For example, ACCC, *Telstra's Migration Plan – Additional extension of regulatory forbearance (disconnections of non-serviceable premises)*, 20 September 2019, <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/additional-extension-of-regulatory-forbearance-disconnections-of-non-serviceable-premises>.

³⁶ Amendments are proposed to clause 22, Requirement Measure 5(D) and Schedule 10 of the Migration Plan.

Telstra submits that there are a small number of Telstra Retail Customers that rely on the 'atomic clock' service to support critical infrastructure services.³⁷ The NBN does not have an equivalent function, meaning that end-users reliant on Telstra's atomic clock service will need to migrate to alternative solutions.

Telstra submits that the arrangements will apply to Wholesale Customers on an equivalent basis.³⁸ Telstra considers that the proposed variation is consistent with Specific Principle 18, requiring Telstra to disconnect Services in accordance with General Principle 10 to ensure that there is minimal disruption to end-users when disconnection occurs.³⁹ Telstra also considers that the proposed variation accords with Specific Principle 28 for Required Measures and replacement schedules associated with Special Services.

3.2.1. Submissions received

NBN Co supported Telstra's proposed variation as submitted to the ACCC.⁴⁰

3.2.2. ACCC views

The ACCC is satisfied that the variation to the Migration Plan is consistent with Migration Plan Principles in relation to Special Services. The ACCC considers that the premises-level approach and regard for 'critical infrastructure premises' should provide a suitable lead time for alternative solutions to be developed for services reliant on Telstra's atomic clock service.

The ACCC considers that Required Measure 5(D) is compliant with the Migration Plan Principles and does not object to Telstra publishing the amendment in accordance with clause 5.2(e) of the Migration Plan.

The ACCC considers that Telstra's proposed variation accords with Specific Principle 18. Besides requiring compliance with General Principle 10 in relation to Special Services, this Principle also requires Telstra to set out when it intends to disconnect Special Services from a separating network, and does not preclude Telstra from disconnecting Special Services at different times. The ACCC considers that the proposed variation fulfils this requirement and that, in accordance with General Principle 10, it will enable disconnection to occur in a way that minimises disruption.

3.3. Extension to the classification of ITO Premises

An ITO process provides customers with a longer period before mandatory disconnection occurs where a valid order is in place for migration to the NBN.

Telstra proposes a variation to extend the classification of ITO Premises to include instances where NBN Co has received an order under an existing agreement, or entered into a new agreement, changed the access technology by which a premise is NBN-serviceable to Fibre to the Premises (FTTP).⁴¹

³⁷ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 6, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

³⁸ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 6, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

³⁹ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, pp. 7-8, <https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

⁴⁰ NBN Co, *Telstra's Proposal to vary the Migration Plan – Submission*, 10 January 2019, p.1. <https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

⁴¹ Amendments are proposed to clause 15.1A and Schedule 10 of the Migration Plan. Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, pp. 8-9,

The proposed variation will apply in instances where a FTTP build agreement exists, although the premises is not yet NBN-serviceable on FTTP while NBN Co undertakes the necessary build activity. Further, the NBN service must be used for business, government, health or educational purposes. NBN Co also must reasonably expect that it can connect the premises using FTTP before Telstra is required to permanently disconnect the premises.

Telstra submits that some end-users, in particular businesses, have opted for a FTTP connection.⁴² Telstra considers that extending the classification of ITO premises to include orders on FTTP accords with General Principles 10(1)(b) and 10(1)(c) since it minimises disruption and gives wholesale customers autonomy over certain decisions.⁴³ Telstra also submits that the proposed variation is consistent with Specific Principle 12(6)(a) since it provides RSPs with an improved opportunity to migrate end-users to the NBN whilst still allowing for disconnection as soon as reasonably practicable.

3.3.1. Submissions received

NBN Co supported Telstra's proposed variation.⁴⁴

3.3.2. ACCC views

The ACCC is satisfied that the proposed variation to extend the classification of ITO Premises to include instances where NBN Co has entered into a build agreement to change the access technology by which a premise is NBN-serviceable to FTTP complies with the Migration Plan Principles. The ACCC notes this will mean that an end-user intending to migrate their services to the NBN using FTTP will receive the same extended timeframe for migration as afforded to premises with in place NBN connection orders. The ACCC considers that:

- these arrangements will promote efficient and timely disconnection of copper and HFC services (General Principle 10(1)(a));
- the proposed variation will seeks to minimise disruption to end-users and promote service continuity (General Principle 10(1)(b));
- the proposed variation will give the relevant wholesale customer greater autonomy over the timing of the disconnection (General Principle 10(1)(c));
- the proposed arrangements provide for disconnection as soon as reasonably practicable in the particular circumstances covered by this variation (Specific Principle 12(6)(a)).

4. The ACCC's decision

The ACCC is satisfied that the varied Migration Plan, as submitted to the ACCC on 18 November 2019, complies with the Migration Plan Principles. In making this decision, the ACCC has considered the proposed variation in light of the submission made in response to the consultation commenced on 27 November 2019 and the Migration Plan Principles.⁴⁵

<https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

⁴² Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 8,

<https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

⁴³ Telstra, *Variation to Telstra's Migration Plan – Submission in Support*, 18 November 2019, p. 9,

<https://www.accc.gov.au/system/files/Submission%20from%20Telstra%20in%20support%20of%20Migration%20Plan%20Variation%20November%202019.pdf>.

⁴⁴ NBN Co, *Telstra's Proposal to vary the Migration Plan – Submission*, 10 January 2019, p.1.

<https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-deferral-of-disconnection-various-services>.

⁴⁵ Pursuant to subsections 577BF(4) and 577BF(3).

The ACCC considers that the proposed varied Migration Plan promotes efficient and timely disconnection of carriage services from Telstra's copper and HFC networks and seeks to minimise the disruption to the supply of services to the extent that is within Telstra's control.

The ACCC approves Telstra's proposed variation to the Migration Plan pursuant to subsection 577BF(3) of the *Telecommunications Act 1997*.

The varied Migration Plan replaces the current version of the Migration Plan and all interim arrangements.