



Audit of Telecommunications Infrastructure Assets – Record Keeping Rules Explanatory Statement

August 2022

Australian Competition and Consumer Commission
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1. Introduction

1.1. Purpose

This explanatory statement accompanies the Australian Competition and Consumer Commission's August 2022 amendment of the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules* (the Rules). The purpose of this paper is to outline submissions received in response to the [October 2021 consultation paper](#) (Consultation Paper) and explain the ACCC's amendments to the Rules.

2. The Rules

2.1. Regulatory framework

The ACCC has the power to collect information from industry to undertake its telecommunications regulatory functions under the *Competition and Consumer Act 2010* (CCA) and other relevant telecommunications legislation.

Section 151BU of the CCA provides that the ACCC may make record-keeping rules (RKR) requiring carriers and carriage service providers to keep records and provide reports on the information in those records to the ACCC. The ACCC cannot require records to be kept unless they contain information relevant to the operation of certain parts of the CCA or certain other legislation.¹

2.2. Use of data collected under the Rules

The information collected under the Rules assists the ACCC in administering a range of its regulatory functions and responsibilities under Part XIB and Part XIC of the CCA, including the investigation of anticompetitive conduct in telecommunications markets and the regulation of telecommunications services.²

2.3. Background

On 19 December 2007, the ACCC made the Rules to help inform its analysis of competition in relevant telecommunications markets. The 2007 Rules required specified carriers (record-keepers) to report on the extent and location of their core network and customer access network (CAN) infrastructure.

In March 2013, the ACCC amended the Rules to update the list of record-keepers in line with market developments and introduce the obligation for record-keepers to identify leased infrastructure and infrastructure operated on behalf of third parties.

In December 2017, the Rules were amended to update the list of record-keepers and clarify the information required to be reported on mobile infrastructure, fibre to the building infrastructure and the geographic boundaries of CANs.

An amendment in May 2020 updated the list of record-keepers and clarified and expanded the information to be reported in relation to mobile infrastructure.

¹ Subsection 151BU(4) of the CCA

² The full list of matters relevant to which the ACCC may exercise its powers to require record-keeping is set out in subsection 151BU(4) of the CCA.

2.4. Review of the Rules – October 2021

On 20 October 2021 the ACCC released its Consultation Paper seeking stakeholders' views on further amendments to the Rules to:

- update the list of record-keepers
- introduce new information requirements in relation to CANs
- expand information requirements in relation to mobile infrastructure, and
- introduce further specification about the maps contained in reports and notification of changes in report methodology.

In response to the Consultation Paper, the ACCC received submissions from: the Australian Communications Consumer Action Network (ACCAN), the Australian Mobile Telecommunications Association (AMTA), Communications Alliance, NBN Co, Optus, SpaceX, Springfield City Group, Telstra, the Telecommunications Industry Ombudsman (TIO), TPG Telecom (TPG) and Uniti Group.³

Submissions on each matter subject to consultation, together with an explanation of the relevant ACCC decisions, are discussed below.

2.5. Review of the Rules – TPG Consolidation March 2022

In addition to the 2021 consultation process, on 18 March 2022 the ACCC sought stakeholders' views on amendments to the Rules to reflect the consolidation of several TPG group companies into one reporting entity. This proposal was made at the request of TPG and related to the Rules, Division 12 RKR, and the Internet Activity RKR.

The ACCC received one submission from TPG in support of the proposed changes.

On 19 May 2022, the ACCC released the three revised RKR. The changes to the Rules allowed for a record-keeper listed in Part 1 to complete its obligations under the Rules as if it, together with any subsidiaries or related entities listed in Part 1 of Schedule 1, were a single entity. The revised Rules also updated the list of record-keepers with TPG (formerly Vodafone Hutchison Australia) now listed as the primary record keeper for the TPG group and TPG Corporation.

3. Submissions and the ACCC decisions

3.1. Updating the list of record-keepers

The ACCC proposed updating the record-keeper list to ensure that the information it relies on in making its regulatory decisions reflects the current state of competing telecommunications infrastructure in Australia. The ACCC proposed to add five new record-keepers and to update the list of record-keepers to reflect recent mergers and acquisitions involving TPG and Vodafone Hutchison Australia and Uniti Group.

Updating the record-keeper list

Most submissions supported or did not comment on the ACCC's proposal to add Aussie Broadband Limited, DGtek Pty Ltd, FibreconX Pty Ltd, Edge Data Centres Pty

³ Submissions to the Consultation Paper are available on the [ACCC Website](#).

Ltd and Springfield City Group Pty Limited as record-keepers and to update the details of existing record-keepers.

However, Springfield City Group Pty Ltd opposed its inclusion on the basis that its dark fibre infrastructure does not have a sufficient geographic reach or scale to have a material impact on the telecommunications infrastructure market.⁴

The other four proposed new record-keepers were notified of the consultation process but did not make submissions to the Consultation Paper.

In addition to supporting the proposed list of record-keepers, ACCAN and Uniti Group both suggested additional record-keepers, including Statutory Infrastructure Providers (SIPs) and other superfast broadband providers.

ACCC decision

The ACCC has decided to include Aussie Broadband, DGtek, FibreconX and Leading Edge as record-keepers in the Rules. These entities have developed significant infrastructure in wholesale and/or retail telecommunications markets and their network information will improve the ACCC's market analysis.

The ACCC has decided not to include Springfield City Group because its current network infrastructure is only of local reach in the South Brisbane area.

The ACCC may consider the inclusion of the entities suggested by ACCAN and Uniti Group in future updates to the Rules.

Adding satellite service providers to the list of record-keepers

The ACCC sought views on whether the operators of satellite services should be subject to reporting obligations under the Rules. Submissions were mixed on this point.

Comms Alliance's *Satellite Services Working Group* (SSWG)⁵ submitted against the inclusion of satellite providers as record-keepers, stating that the reporting obligations would generate additional overhead to satellite operators, without a clear benefit arising from the information provided.⁶

Similarly, SpaceX considered that satellite service providers should not be included in the list of record-keepers on the basis that:

- the low Earth orbit satellite (LEO) market is nascent in Australia
- imposing record-keeping obligations would create a barrier to entry, which may lead operators to de-prioritise the Australian market, and
- compliance with reporting obligations would delay or interfere with the expansion of connectivity options in underserved areas of Australia.⁷

Optus submitted that reporting its satellite network infrastructure would create a disproportionate administrative burden on Optus relative to other operators. Optus

⁴ Springfield City Group submission, p.1

⁵ Comms Alliance's submission noted that the position expressed in relation to satellite providers only represent the views of the SSWG.

⁶ Comms Alliance submission, p.3

⁷ SpaceX submission, p.3

also noted the growing competition in the satellite market, meaning limited intervention was necessary.⁸

However, NBN Co considered satellite providers should be included in the list of record-keepers, given the number of new entrants, the statutory obligations that apply to satellite providers and the likelihood of increasing competition in the satellite services market.⁹

ACCC decision

The ACCC has observed some developments taking place in the satellite space, including the introduction of a new generation of geo-stationary satellites with enhanced bandwidth capacity as well as emerging LEO technologies that feature high-capacity throughput and significantly reduced latency.

The ACCC notes that, by offering higher speeds and lower latency these technologies will likely have an impact in competition for voice and data services, particularly in regional and remote areas of Australia.

However, after reviewing the current structure and other characteristics of this market, the ACCC has decided not to include satellite providers at this stage. The ACCC will re-consider the merit of including satellite providers as record-keepers as the relevant markets further mature.

Other updates following market developments

To reflect mergers and acquisitions since the Rules were last reviewed, the ACCC has:

- Moved OptiComm Pty Ltd to the list of Uniti Group's subsidiaries.
- Merged the 'Group A' and 'Group B' lists of record-keepers in Part 1 of Schedule 1 into a single list.

The new list of record-keepers is set out in Schedule 1 of the amended Rules at Attachment A.

3.2. Customer access network reporting

The ACCC proposed changing the current rules in relation to the reporting of CAN infrastructure to require record-keepers to identify the location of equipment at the customer's end of a CAN. This amendment was intended to apply to NBN Co and other similar fixed-line and/or wireless broadband infrastructure owners where the customer is in a fixed location.

Submissions were largely against the reporting of the location of equipment at the customer's end of a CAN.

Telstra considered that the additional requirement would represent a significant impost on reporting entities, noting that the required information is housed over multiple systems not meant to record the level of detail the ACCC proposed. Telstra also questioned the timing of the proposal (to all record-keepers) when NBN Co is the network wholesaler in the fixed line footprint.

⁸ Optus submission, p.3

⁹ NBN Co submission, p.3

Telstra also noted that the equipment at end-users' premises would not be consistently reportable, as this equipment is not always part of an operator's CAN (i.e., where it is owned by the customer). Telstra also considered that if introduced, the new requirement should exclude infrastructure that is used to supply voice-only or non-superfast broadband services.¹⁰

Optus considered that the proposed definition of end-user's equipment could capture equipment that extends beyond the customer side of the network, diverging from the focus of the Rules. Optus also considered that the information currently provided is sufficient for the purposes of an ACCC competition assessment.

Further, Optus expressed privacy concerns arising from the collection of information about the location and address of end-users. It requested clarification from the ACCC that it is not seeking individual consumer data and assurance that any information would be handled with the strictest level of security.¹¹

TPG submitted that the proposed rule would require TPG to commit significant resources to execute, as customer location information is not being collated in the ordinary course of business. TPG also considered that the accuracy of such a dataset would be difficult to verify and that is not clear how the ACCC would deal with privacy considerations.¹²

NBN Co did not support providing more information on its fixed line network, but recognised there is a case to provide end-user equipment information for fixed wireless and satellite networks.¹³

The AMTA submitted that the proposed obligation should not apply to services provided by mobile network operators (MNOs), including home wireless broadband. AMTA considered that the proposed requirement would impose additional regulatory burden without clear value or purpose.¹⁴

Communications Alliance also considered that the requirement would create significant regulatory burden and likely security and confidentiality related conflicts without a clear benefit from the information reported. Further, Communications Alliance argued that providers do not typically hold information on end-user locations in one central system and putting together these details would require significant resources for an operator.¹⁵

ACCAN was the only submitter that expressed support for the proposal. ACCAN considered that the additional information will reflect end-user experience and would provide the ACCC with a greater understanding of the level of competition between different access technologies and providers.¹⁶

ACCC decision

Currently, the ACCC is in many instances unable to determine the location of the equipment located at the customer's end of a CAN. For example, the ACCC has no visibility of the location of each of NBN Co's fixed-wireless and satellite end-users, or

¹⁰ Telstra submission, p.3

¹¹ Optus submission, p.4

¹² TPG submission, p.2

¹³ NBN Co submission, p.4

¹⁴ AMTA submission, p.3

¹⁵ Comms Alliance submission, p.4

¹⁶ ACCAN submission, p.2

the number and location of home wireless broadband services provided by MNOs as an alternative to NBN services.

This results in a degree of information asymmetry between access network owners and the ACCC. Knowing the location of the end-user's CAN equipment would improve the ACCC's understanding of the level of competition between different access technologies and providers in a particular area. The ACCC considers that this information is of increasing importance when considering competition in an area and overall.

However, the ACCC considers that the matters raised by stakeholders require further consideration and assessment before proceeding to a potentially onerous amendment of the Rules. The ACCC will engage further with stakeholders to ensure that the additional reporting of each infrastructure owner's network can be provided at the most detailed level without excessive regulatory burden or the potential for privacy or security concerns.

Accordingly, the ACCC has decided to postpone the amendment of the Rules to specify that record-keepers must provide the location of the equipment located at the end-user's end of the CAN and will engage with stakeholders regarding the most appropriate formulation of such rule.

3.3. Changes to the reporting of mobile infrastructure

The ACCC proposed to revise the requirements for record-keepers operating mobile infrastructure to:

- provide a separate 'frequency-aggregated' national coverage map for each technology in operation (i.e., 3G, 4G, 5G) that combines the frequency bands for each technology type into a single mapping layer
- specify the standard of coverage in the coverage maps provided in reports (i.e., to represent 'outdoor' or 'external antenna' coverage)
- provide information on the relevant parameters and assumptions underlying their mobile coverage maps.
- identify the type of cell in operation at each mobile site as either 'macro cells', 'small cells' or 'other'

Separate national map for each mobile technology

Telstra supported the reporting of coverage on a separate map for each technology, as this was consistent with coverage mapping displayed on its website. However, Telstra considered that coverage maps for each frequency band in operation should no longer be required, as the extent of the primary band is sufficient to illustrate the coverage of a particular technology.¹⁷

Optus opposed this requirement on the basis that RKR information already includes coverage maps by frequency bands and Optus' public-facing coverage maps already distinguish between network technologies and type of mobile coverage. Optus considered that the proposal to report aggregate coverage maps does not justify the burden of having to re-submit what is already public information.¹⁸

¹⁷ Telstra submission, pp.3 - 4

¹⁸ Optus submission. p.4

AMTA submitted that MNOs should not have to develop or create maps simply to meet the requirements of the Rules.¹⁹

ACCAN expressed support for the proposed requirement, suggesting that the ACCC should also seek information on mobile virtual network operator (MVNO) coverage, as this would provide a better picture of retail choice in different areas of Australia.²⁰

ACCC decision

The ACCC has decided to amend the Rules to specify that coverage maps must reflect an MNO's aggregated overall national footprint for each technology in operation. This requirement aims to overcome the problem of coverage maps disaggregated by frequency band provided in previous reports and aligns with the new rule that requires network infrastructure (fixed and wireless) to be depicted on a state or national basis (further discussed in the next section).

As Optus and Telstra point out, MNOs already publish Australia wide coverage maps on their websites. Most MNOs have previously provided this information on their annual RKR reports. As such, the ACCC does not believe this requirement will impose a significant burden on the remaining MNOs.

Telstra considers that frequency bands no longer should be reported, but the ACCC notes that it uses these for assessments relating to infrastructure investment and radiofrequency spectrum related matters, such as spectrum auction limits.

The new specification is implemented by amendments to subrule 5(2)(b) in the amended Rules at Attachment A.

Identification of the standard of coverage

Telstra expressed no concern with the requirement for mobile operators to provide both outdoor and external-antenna coverage. However, Telstra suggested that the definition of external-antenna coverage should be altered to include 'coverage extension devices'.²¹

Optus noted that it already provides maps with both types of coverage on its website, questioned the reference to the reach of a hand-held device as a delimiter between outdoor and external-antenna coverage, and considered the requirement to be an unjustified cost for record-keepers.²²

TPG submitted in favour of the demarcation of outdoor and external-antenna coverage in RKR reports and considered this information should be available to the public, as it would be of the greatest interest to consumers in regional Australia.²³

AMTA noted that the MNO information of coverage type is available to the public based on three standards: indoor, outdoor and external antenna.²⁴ AMTA stated that this approach was developed in 2018 by AMTA members and mobile network operators, Optus, Telstra and Vodafone Hutchison Australia (now TPG Telecom). At that time several changes to improve the comparability of coverage map information

¹⁹ AMTA submission, p.4

²⁰ ACCAN submission, p.3

²¹ Telstra submission, p.4

²² Optus submission, p.5

²³ TPG submission, p.3

²⁴ AMTA submission, p.5

across networks for customers were implemented. AMTA stated that the MNOs agreed to use the 'indoor, outdoor and external antenna' terminology to describe levels of coverage to customers (see table below).

AMTA provided descriptions of the levels of coverage, describing outdoor and external antenna levels of coverage as follows:

Level 2 OUTDOOR

This is the type of coverage and quality of reception a customer can expect when using a device outdoors with typical handheld use, based on an elevated upright standing, head height position.

Factors that will impact on predicted coverage will include local environment e.g. local clutter, vegetation, topography of the area, as well as personal variables such as how the device is held relative to the head and the direction facing.

Level 3 EXTERNAL ANTENNA

This is the type of coverage expected when a device is augmented using an external antenna or other coverage extension device that utilises an external antenna. The predicted quality of coverage will be based on a typical small omni-directional external antenna that can be readily vehicle mounted, at a height consistent with top of vehicle. Note that larger higher gain antennas and increasing antenna height can increase range of coverage.

This information is further set out on the [AMTA website](#).

ACCAN expressed its preference for all coverage maps to only reflect outdoor coverage, as this would provide a better picture of the average end-user experience.²⁵

ACCC decision

The existing rules do not require record-keepers to identify the standard of mobile coverage reported. As a result, some MNOs report both outdoor and external antenna coverage while others report a single coverage standard, or do not identify the standard of the coverage being reported. The ACCC considers that outdoor coverage is relevant for most consumers, but recognises that external-antenna coverage would be important for consumers that require mobile service in regional and remote areas.

Some submissions expressed concerns about references to the normal reach of a handheld device as a delimiter to define outdoor coverage, and by contrast, external-antenna coverage. However, the ACCC notes the common industry definitions of coverage referred to in AMTA's submission. In the ACCC's view the Level 2 and Level 3 industry classifications broadly align with the definitions set out in the draft Rules. Therefore, the ACCC has decided to retain the definitions proposed in the Consultation Paper with slight modifications.

However, in relation to Telstra's proposal to include 'coverage extension device' in the external-antenna definition, the ACCC is concerned that the coverage achievable by power-amplified or directional antenna based devices could be included by MNOs. This is not the intention of external-antenna coverage (and beyond the AMTA

²⁵ ACCAN submission, p.3

definitions) and might result in greater ambiguity if 'coverage extension device' was included in the definition.

For the reasons stated above, the ACCC considers that there is merit in amending the Rules to require the MNOs to provide coverage maps under two well-known industry standards. For this purpose, the amended Rules at Attachment A:

- Include definitions of 'outdoor coverage' and 'external-antenna coverage'
- Amend subrule 5(2)(b)(ii) to require record-keepers to specify the extent of outdoor coverage and external-antenna coverage for each technology type.

Reporting on assumptions underpinning coverage maps

Telstra considered that any differences in predicted coverage maps due to differing assumptions adopted by MNOs is likely to be minimal.²⁶

Optus noted that it already provides coverage information on its public facing maps. Optus considered that the ACCC should explain what further information it requires for regulatory purposes under section 151BU of the CCA.²⁷

TPG submitted that since the MNOs have different coverage simulation models and use different terrain maps, the assumptions used are likely to be uniquely suited to each MNO's proprietary methodology. TPG suggested that the ACCC develop its own coverage simulation model and request that MNOs utilise a standardised set of input metrics.²⁸

AMTA also expressed its opposition to the requirement for MNOs to disclose assumptions in the calculation of coverage because differences in coverage are mainly due to barriers to signal penetration as well as both carrier and customer specific factors.²⁹

In contrast, ACCAN submitted that MNOs should be required to use standardised assumptions to predict coverage. Further ACCAN considers that the ACCC should publish information on mobile coverage maps and related assumptions to better manage consumer expectations about the level of coverage in a particular area.³⁰

The TIO also supported the requirement for MNOs to provide consistent mobile coverage information and report the assumptions they use to calculate coverage. Alternatively, the TIO suggested the ACCC should require MNOs to use a standardised methodology for producing coverage maps.³¹

ACCC decision

The ACCC recognises that the MNOs' maps only show predicted coverage and that the underlying assumptions used in producing coverage maps may differ across MNOs.

The ACCC acknowledges ACCAN and the TIO's views on the use of standardised assumptions and/or the disclosure of MNOs assumptions to inform consumer

²⁶ Telstra submission, p.5

²⁷ Optus submission, p.5

²⁸ TPG submission, p.3

²⁹ AMTA submission p.5

³⁰ ACCAN submission, p.3

³¹ TIO submission, p.2

decisions. While the ACCC is not considering at this stage mandating a standardised set of assumptions for coverage reports it does consider that an understanding of the assumptions underpinning MNOs' maps would improve the ACCC's interpretation of the coverage information.

However, the ACCC will undertake further assessment of the methodology and assumptions used in developing MNO coverage maps in non-RKR processes. For example, the ACCC considers that the forthcoming [Regional Mobile Infrastructure Inquiry](#) is likely to be an appropriate forum for reviewing mobile coverage and coverage related matters, including the assumptions MNOs make in producing their coverage maps.

Reporting on the type of cell operating at each mobile site

Telstra opposed the identification of the type of cell operating at each mobile site. Telstra disagrees with the ACCC's view that the introduction of this requirement would provide further insight on MNOs' investment. Telstra also considered that the ACCC already has granular information on coverage and sites so further details would be of limited utility.³²

Optus considered that the proposed definition of cell sites may cover an inappropriately wide range of mobile network infrastructure. Optus also submitted that detailed cell type information is highly sensitive, and its publication would require a clear justification under the CCA.³³

AMTA submitted that MNOs vary in how they classify cell type and there is no formal, standard definition for a 'small cell'. AMTA questioned the utility of requesting this information and noting that the real relevance is the coverage that is achieved, not the cell type.³⁴

TPG noted that 'small cell' is a generic term only used in a marketing context and considered that the ACCC should define the different types of cell sites based on technical metrics.³⁵

ACCAN submitted that to the extent that cell type information will help the ACCC understand the level of investment over time, it should be a requirement under the Rules.³⁶

ACCC decision

Some submissions noted the broad definition of cell types proposed in the Consultation Paper. However, no submission proposed an alternative classification.

The ACCC notes that the broad definitions for cell types (macro, small, 'other') would have allowed MNOs to accommodate a wider more technical classification into the three general categories proposed. Although basic, this identification of sites would have assisted the ACCC with further insights on MNOs' year-on-year developments in mobile infrastructure.

³² Telstra submission, p.4

³³ Optus submission, p.5

³⁴ AMTA submission, p.6

³⁵ TPG submission, p.3

³⁶ ACCAN submission, p3

However, due to the levels of possible ambiguity regarding the types of cells deployed by MNOs, the ACCC will not proceed with this amendment at this stage.

3.4. Level of map aggregation and asset descriptions in reports

The ACCC proposed that an operator's network infrastructure for a particular technology type (for example, fibre to the node and 3G) be provided in a single electronic file, representing the aggregate national extent of a network. The amendment also contemplates that the information of an operator's national footprint be contained in a single file.

The proposed amendments also require that any symbol depicted in maps be accompanied by a clear description of the type of infrastructure it represents.

The ACCC considers that these requirements will improve consistency and comparability across record-keepers' reports and facilitate the ACCC's interpretation of the information.

Single national map

AMTA considered that it would be more reasonable for smaller operators, with small private networks across various states, to provide several individual files representing their network, rather than requiring them to consolidate this information.³⁷

Comms Alliance considered that the proposal would create significant additional regulatory burden and possible security risks for some providers. Comms Alliance noted that infrastructure information is often kept in separate systems to avoid the risk of external party obtaining illegal access to such data. It considered that if the ACCC were to require carriers to combine such data, it could be creating a significant security risk because sensitive information would be stored in one place.³⁸

NBN Co submitted that the proposed rule change would require NBN Co to invest in upgrades to its IT systems to handle the proposed new national files, solely for the purpose of the ACCC annual report. However, it noted that it would be able to provide full aggregation at a state/territory level, as the necessary system changes would be more manageable for NBN Co in that way.³⁹

Uniti Group expressed no objection with the proposed amendments but noted that the Rules should clarify that entities with multiples subsidiaries may provide separate reports.⁴⁰

Optus agreed that the maps should be useful and readable to the ACCC but questioned the ability of the proposed amendment to overcome divergence across record-keepers' reports.⁴¹

Telstra submitted it has no concern with providing information in an individual electronic file representing the aggregate national extent of a network.⁴²

³⁷ AMTA submission, p.6

³⁸ Comms Alliance, p.5

³⁹ NBN Co submission, p.6

⁴⁰ Uniti Group submission, p.3

⁴¹ Optus submission, p.6

⁴² Telstra submission, p.6

ACCAN expressed support for the requirements if they are feasible and more useful for the ACCC.⁴³

ACCC decision

The ACCC has decided to add the requirement that the information reported be provided in an individual electronic file, representing the aggregate extent of a network, but, in consideration of submissions, for this to be provided at a state and territory or national level.

The ACCC believes that a state and territory or national level depiction of an operator's network is the appropriate scale for information to be reported and analysed. The requirement for the information to be contained in a single file should not represent an unreasonable impost on record-keepers, with most existing record-keepers currently reporting this way.

In response to Comms Alliance concerns that combined maps may create an internal security risk for the record-keeper, the ACCC considers that the record-keepers listed in the Rules are of sufficient size and stature that they should have adequate internal security measures in place, independent of compliance with RKR's.

In relation to Uniti Group's submission, the ACCC notes that record-keepers are required to provide a consolidated information report of subsidiaries and/or related entities under subrule 7(1)(c), which means that a separate map for each entity is appropriate but should be consolidated and delivered in one report.

Symbols in maps

As noted in the Consultation Paper, the ACCC has come across reports where some elements represented in maps were partially described or lacked description. The ACCC believes that if a record-keeper includes a particular element in their maps, it should also provide a clear description of it to ensure the ACCC's correct interpretation and analysis.

Optus considered that the requirement of detailed description of elements in maps could potentially be counterproductive to the goal of achieving greater comparability.⁴⁴ Telstra and NBN Co had no objection to the requirement for reports to identify all elements in maps.^{45 46}

ACCC decision

The ACCC has decided to make a further amendment to rule 7 of the Rules, to require record-keepers to provide a detailed written description of each element depicted in the maps included in their reports (subrule 7 (2)). This will primarily assist the ACCC in interpreting record-keepers' maps and in comparing the data provided. For avoidance of doubt, the description may be included as a map legend or referenced to in a separate text document.

3.5. Notifying the ACCC of changes in methodology

The ACCC proposed a requirement on record-keepers to notify the ACCC of any change in the methodology adopted in the preparation of the reports. This

⁴³ ACCAN submission, p.4

⁴⁴ Optus submission, p.6

⁴⁵ NBN Co submission, p.6

⁴⁶ Telstra submission, p.6

amendment aims to identify differences between reports that result from a change in methodology, rather than actual infrastructure developments.

Submissions did not express any concerns with this proposed amendment.

ACCC decision

As noted in the Consultation Paper, the ACCC has occasionally identified significant changes or discrepancies in the information provided between consecutive reporting periods arising from an undisclosed change in methodology or assumptions adopted by record-keepers in preparing the annual report.

The inclusion of the proposed requirement in Rule 8 will assist the ACCC in distinguishing between genuine changes in infrastructure assets and those that may represent methodological changes between reporting methods.

3.6. Minor amendments

The Rules contained provisional rules relevant to the 2020 reporting period. The ACCC has decided that the provisions in rule 9 are no longer relevant and will be removed.

3.7. Changes to apply from the 2023 reporting period.

The ACCC has decided that obligations applying to new record-keepers and the obligations in relation to new reporting requirements will apply from the 2023 reporting period onwards.