



570 George Street
Sydney NSW 2000
All mail to GPO Box 4009
Sydney NSW 2001
T +61 2 131 365
www.ausgrid.com.au

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Grahame O'Leary
Director Communications
Australian Competition & Consumer Commission

By email

grahame.oleary@accc.gov.au

elsbeth.philpott@accc.gov.au

Re: Audit of Telecommunications Infrastructure Assets – Record Keeping Rules 2017

Ausgrid welcomes the opportunity to comment on the ACCC's proposed record keeping changes to assist with monitoring of competitive developments in relation to telecommunications infrastructure assets.

We consider that requiring Ausgrid to identify the location of our electricity distribution infrastructure leased to third parties would be inconsistent with Ausgrid's obligations as a Critical Infrastructure provider. Further, the aims and objectives of the ACCC could be efficiently achieved, without compromising compliance with our Critical Infrastructure licence conditions, if the reports were instead made by the relevant carriers to whom Ausgrid leases dark fibre.

We explain our position further below in providing responses to questions 2 and question 4.

Question 2: Is the list of telecommunications infrastructure providers required to report appropriate?

Response: No, it is not correct to include Ausgrid Pty Limited for the following reasons.

- a) Ausgrid Pty Ltd, ACN 060 979 688, was deregistered on 9 October 2016; and
- b) Ausgrid Operator Partnership (AOP) ABN 78 508 211 7341, trading as Ausgrid, is the holder of carrier licence #448.

For completeness, we note that in relation to the statement on page 7 of the consultation paper, Ausgrid's network is situated in NSW. Ausgrid does not offer any services over infrastructure in ACT.

Question 4: Is it appropriate for the ACCC to include utility providers such as Ausgrid that provide communications infrastructure over their infrastructure? If not, why not?

No. The proposed reporting to the ACCC including the disclosure that may be made to other parties under section 1555AAA of the Competition and Consumer Act 2010 may compromise Ausgrid's obligations under the Critical Infrastructure licence conditions.

These conditions are contained in Sections 9 and 10 of the Distributor's Licence issued to Ausgrid under the Electricity Supply Act 1995 (NSW). They require that information as to "operational technology" is held under strict controls and accessible only by persons with specific authorisation from Ausgrid. The proposed disclosure of maps of Ausgrid's optical fibre used in operating our network would be a disclosure that was not subject to the controls mandated under our distribution licence.

We are also of the view that including Ausgrid as a record keeper is not warranted to achieve the ACCC's objectives given:

(i) Limited scope of leased fibre

Ausgrid provides wholesale dark fibre only and this is as an incidental service to electricity distribution. The amount of Ausgrid fibre used by third parties is neither material nor growing. Third party usage of Ausgrid dark fibre is limited to spare fibre cores on a subset of cables that have been installed for electricity purposes, pursuant to the Australian Energy Regulator's Shared Asset Guidelines.

(ii) Carriers are more appropriate record keepers

Any use of Ausgrid fibre can be more efficiently reported by the carriers leasing it, when they report on the range of paths used to provide their telecommunications services. Individual reporting by the carriers in this way would not involve disclosure of integrated maps of Ausgrid's leased fibre and would not therefore pose the critical infrastructure security risk that the licence conditions discussed above seek to mitigate.

Please contact Jeff Fry on 02 8569 6900 or jfry@ausgrid.com.au should you require any further information about our submission.

Regards,



Rob Amphlett Lewis
Executive General Manager Strategy & Regulation