



29 October 2018

Mr Robert Wright
General Manager, Insurance, Water and Wireline Markets Infrastructure Regulation
Australian Competition and Consumer Commission
Level 17, Casselden Place
2 Lonsdale Street
Melbourne VIC 3000
Email robert.wright@acc.gov.au

Copy To:

Ms Katie Young
Email: katie.young@acc.gov.au

Mr Rod Middleton
Email: rodney.middleton@acc.gov.au

Dear Mr Wright,

Notification of Telstra's performance being affected by a Force Majeure Event under Telstra's Migration Plan

Thank you for your letter received on 23 October 2018, in relation to Telstra's Force Majeure Notification dated 15 October 2018.

In answer to the ACCC's question, by way of steps to address, overcome or mitigate the effect of the notified Force Majeure Event, once Telstra's obligations under the *Telecommunications (NBN Continuity of Service) Industry Standard 2018 (Standard)* are discharged in relation to particular premises, Telstra intends to deal with any non-compliant "reconnected" legacy services in the same way as it has done historically, in other cases where non-compliant connections are established due to extenuating end-user circumstances.

As reflected in the ACCC's SSU Annual Compliance Report 2016–17 published in March 2018 (**ACR**), historically, these instances have included circumstances where¹:

- the end-customers were priority assistance customers that had experienced delays or issues in obtaining a service on the NBN; or
- the disconnection of the copper or HFC service was successful, but there was a delay in a customer's premises becoming NBN serviceable.

Similar to these historical cases of non-compliant connections, where services are supplied in breach of Telstra's obligations under the Migration Plan due to its requirements to comply with the Standard, Telstra intends to disconnect them in accordance with either the customer request, or the managed disconnection timeframes that apply for the relevant Rollout Region.

¹ See p 14 of the ACCC's SSU Annual Compliance Report 2016-17



We note that, as reflected in the ACR², the ACCC has previously considered Telstra's actions to be appropriate in the circumstances.

Please feel free to contact Kim Hilton-Cowie on (02) 9866 2001 if you have any further questions in relation to this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jane - 3'.

Jane van Beelen
Compliance and Regulatory Affairs Executive
Legal and Corporate Affairs
jane.vanbeelen@team.telstra.com

² Ibid.