



PUBLIC VERSION

30 March 2016

Ms Nicole King
Acting Director
Infrastructure Regulation Division
Australian Competition and Consumer Commission
GPO Box 520
Melbourne VIC 2001

By email: Nicole.King@acc.gov.au

Dear Nicole,

nbn submission regarding the ACCC's revisions to the Superfast Broadband Access Service (SBAS) service description

nbn welcomes the opportunity to make a further submission regarding the Australian Competition and Consumer Commission's (ACCC's) revisions to the superfast broadband access service (SBAS) service description.

For the reasons detailed in **nbn**'s submission to the ACCC in December 2015, **nbn** remains of the view that all superfast broadband capable networks should be subject to the declaration irrespective of size or whether they serve residential or business end-users.

We wish to raise some concerns with the proposed drafting to ensure that the service description reflects the intent of the SBAS declaration, as set out in the ACCC's draft decision.

Definition of a "Fibre Access Broadband service" and a "superfast carriage service"

[C-I-C] as currently drafted, the interaction between the definition of a "Fibre Access Broadband service" and a "superfast carriage service" is not clear, and may result in uncertainty in the application of the declaration. This is because the amended service description would require that a Fibre Access Broadband service also be a superfast carriage service to be included in the declaration. Superfast carriage services must have normal download transmission speeds of 25Mbps or more. Fibre Access Broadband services, however, include services with maximum download transmission speeds of only 8Mbps. As presently proposed, the "Fibre Access Broadband service" offering download transmission speed of 8Mbps would therefore not be a "superfast carriage service", and presumably therefore be excluded from the proposed definition of superfast broadband access service.

nbn suggests that the ACCC consider clarifying and amending the proposed wording, so as to ensure that **[C-I-C]** superfast broadband capable networks do not fall outside the scope of the declaration.



Exemptions to the declaration

nbn submits that the potential barriers to entry identified in respect of residential customers in multi-dwelling complexes also exist in respect of business customers.

nbn submits that part (a) and part (b) of the exemption section (page 1) should be deleted from the proposed service description, to ensure that the declaration is as broad as possible. **nbn** submits that the long-term interests of business end-users will be promoted if the declared SBAS includes all superfast broadband capable networks, as this will contribute to a symmetrical approach to regulation of superfast broadband services under Part XIC of the Competition and Consumer Act 2010.

If you have any queries regarding this submission please do not hesitate to contact Alia Kassir at aliakassir@nbnco.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Caroline Lovell', is positioned above the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

On behalf of
Caroline Lovell
Chief Regulatory Officer