# TELSTRA CORPORATION LIMITED

Variation Proposal to Telstra's Migration Plan August 2021

Submission in support

**05 August 2021**

# CONTENTS

# EXECUTIVE SUMMARY

Telstra submits the following proposal to vary the Migration Plan (the **Plan**) for the Australian Competition and Consumer Commission's (**ACCC**'s) approval (the **Varied Plan**).

From time to time, Telstra proposes amendments to its obligations within the Plan to reflect changes to the migration process that are needed to ensure an efficient and effective migration of premises to the nbn network, and the associated disconnection of legacy copper and HFC services. Accordingly, these changes are arrived at in consultation with nbn co – including where this is needed to reflect updates to nbn co's rollout timing.

The current version of the Plan was previously approved by the ACCC on 6 February 2020 (the **Existing Plan**).

Since that time, Telstra has already implemented some specific proposals under forbearance from the ACCC or has identified additional proposals it believes will further improve the migration and disconnections process. Telstra has also identified some 'housekeeping' that could improve the usefulness of the Migration Plan by incorporating previously amended Required Measures into the current published version.

This proposal therefore seeks approval of the Varied Plan containing amendments to address the following:

1. **Disconnection arrangements for Multi Dwelling Unit Common Areas.**

   The Varied Plan revises the existing managed disconnection arrangements for premises that are Multi Dwelling Unit (**MDU**) Common Areas. It removes the existing dependency that requires the End of Rollout Date milestone to be notified by nbn co, which has not yet occurred, and replaces it with a new Disconnection Date. This proposal will bring certainty as to the timeframes and arrangements that will apply to the managed disconnection of MDU Common Areas.

2. **Disconnection arrangements for not nbn-serviceable premises.**

   The Varied Plan extends the timeframes for managed disconnection of premises which continue to remain not nbn-serviceable. This proposal is designed to provide a longer-term solution to previously approved interim arrangements. These arrangements will replace the interim arrangements set out in the Existing Plan. Specifically, the proposal will better align managed disconnection with the making of premises nbn-serviceable by nbn co.

   This proposal is consistent with forbearance granted by the ACCC in October 2020.

3. **Differentiation between Public and Private Payphones SS Classes.**

   The Varied Plan expands those 'SS Classes' associated with those Special Services whose Access Service Family is either Payphones (Retail) or Customer Operated Payphones (Wholesale). This proposal is designed to facilitate the differentiation of 'Public' versus 'Private' Payphones services. It will also assist Telstra to proceed with an existing proposal to implement a targeted national product exit on the relatively small number of remaining Private Payphones services still in operation without triggering a disconnection obligation for Public Payphones.

   This proposal is consistent with forbearance granted by the ACCC in December 2020.

4. **Authorisation of reconnection of copper and HFC services.**

   The Varied Plan expands the current authority within Telstra for the reconnection of copper and HFC services in accordance with the standard conditions within the Existing Plan.

This proposal reflects changes to roles and responsibilities within Telstra's organisational structure since this obligation was originally incorporated in the Existing Plan numerous years ago. The proposal provides a more practical and longer-term solution by broadening the scope of authorisation beyond Directors (or higher) to include the relevant person accountable for disconnections within InfraCo.

Telstra notes that the version of the Varied Plan submitted contains the updated versions of Required Measures 5(A), 5(C) and 5(D) which we published as final in May 2021 following the completion of the relevant steps in the Migration Plan, including an external stakeholder consultation and the giving of notice prior to publishing the final versions.

This submission explains the amendments Telstra proposes be made to the Existing Plan and the reasons they should be approved by the ACCC. Telstra submits that the Varied Plan complies with the *Telecommunications (Migration Plan Principles) Determination 2015* (**MPPs**) and promotes the objectives of minimising disruption to end users and promoting service continuity, to the extent this is in Telstra's control.

# 01 Managed Disconnection of MDU Common Areas

## 1.1. Overview and Supporting Rationale

Telstra is proposing to amend the Existing Plan with regard to the managed disconnection of MDU Common Areas to align with the revised arrangements Telstra notified to Wholesale Customers and its Retail Business Units (**BUs**) in January 2021.

MDU Common Areas are notified to Telstra by nbn co as being included in the Fixed Line Footprint in a Rollout Region. Under the Existing Plan, copper services at MDU Common Areas have been subject to an ongoing deferral from managed disconnections due to a dependency upon the End of Rollout Date, which is yet to be notified to Telstra by nbn co. Under the Existing Plan, the managed disconnections of MDU Common Areas are required to occur on or before 24 months after the End of Rollout Date.

Telstra entered into an agreement with nbn co under the Definitive Agreements to amend those arrangements in December 2020, in recognition that:

- nbn co has completed the initial build of its fixed line network and nbn co will continue to increase the proportion of premises inside the Fixed Line Footprint that are nbn-serviceable.
- Telstra would not be able to provide its Wholesale or Retail Customers with certainty on the actual timeframes for the managed disconnection of MDU Common Areas until nbn co had notified Telstra of the End of Rollout Date.
- There is no compelling reason to continue to have a managed disconnection dependency on the End of Rollout Date.

In accordance with the revised process document published in January 2021, Telstra and nbn co have agreed to implement revised disconnection arrangements based upon a new milestone being the MDU Common Area Disconnection Date (**MDUCA Disconnection Date**). The proposed managed disconnection arrangements incorporated in the Varied Plan are based on whether an MDU Common Area is in a Rollout Region with a Rollout Region Disconnection Date (**RRDD**) occurring:

- **Prior to 18 March 2022** – in which case managed disconnection will occur during the disconnection window immediately following 18 March 2022 (i.e. the MDUCA Disconnection Date for these premises). The key dates for services where the MDUCA Disconnection Date is prior to 18 March 2022 are:
    a. Service disconnection to commence from 10 Business Days (**BDs**) following the MDUCA Disconnection Date and complete within 25 BDs.
    b. Permanent disconnection will then occur within 55 BDs of the MDUCA Disconnection Date (i.e. the MDUCA End Date for this scenario).
- **On or after 18 March 2022** – in which case active services will be treated on an equivalent basis to standard services at ordinary premises within the Rollout Region, therefore:
    a. The MDUCA Disconnection Date will be the RRDD.
    b. Managed disconnection will apply as per the existing standard arrangements (Required Measure 2).
    c. The MDUCA End Date is applicable milestone by when permanent disconnection is required to be completed.

Telstra and nbn co have also agreed to introduce arrangements for the managed disconnection of premises initially classified as an MDU Common Areas, that are subsequently reclassified by nbn co. Where this occurs, impacted premises will become 'Untagged Premises' and will no longer be treated as MDU Common Areas.

Where nbn co notifies Telstra of Untagged Premises on a date that is:

- **On or before the date that is 6 months prior to the RRDD for the Rollout Region within which the premises are located** – then the Untagged Premises Disconnection Date will be the RRDD for that Rollout Region. In these circumstances, the managed disconnection arrangements for the Untagged Premise will align to the existing processes for premises in that Rollout Region and the existing arrangements per Required Measure 2 will apply.

- **After the date that is 6 months prior to the RRDD** – then the Untagged Premises Disconnection Date will be the date by when service disconnections are required to commence, and will be the later of the date that is:

  a. 90 BDs after the date Telstra receives notification from nbn co; and
  b. 150 BDs following the RRDD for that Rollout Region (i.e. equivalent to the maximum In-Train Order Period whereby service disconnection must then complete within 155 BDs following RRDD).

  Note: permanent disconnection commences immediately following the service disconnection step and therefore will complete as soon as reasonably practicable following the applicable Untagged Premises Disconnection Date above. The milestone requiring permanent disconnections to complete also constitutes the MDUCA End Date in these instances.

As per standard arrangements, there are no restrictions on MDU Common Areas or Untagged Premises being disconnected at an earlier date in accordance with any Wholesale or Retail Customer initiated request.

Finally, the Varied Plan proposes minor amendments to Telstra's obligation in various Required Measures where there is an obligation to prepare and publish the managed disconnection processes for MDU Common Areas. Effectively the amendments change the obligation from being positioned based upon 6 months prior to the End of Rollout Date, to 6 months prior to the MDUCA Disconnection Date. Telstra previously complied with this requirement around End of Rollout Date by publishing a process document in January 2020. Telstra has continued to maintain compliance to this proposed amended obligation by publishing a revised disconnection arrangements document in January 2021, approximately 14 months prior to earliest MDUCA Disconnection Date per the scenarios above (i.e. 18 March 2022).

The following clarification is provided regarding the applicability of the MDUCA Disconnection Date to Special Services (and Special Service Inputs):

- Special Services at MDU Common Areas will only be subject to an MDUCA Disconnection Date where the applicable SS Class has previously been subject to a Special Service Disconnection Date (**SSDD**).
- Any Special Services within the Covered Access Service Families at MDU Common Areas are still subject to the applicable final sunset product exit arrangements to the extent they remain active as at the applicable Final Sunset Exit Date.
- Therefore, Special Services at MDU Common Areas whose SS Class is in scope for managed disconnection in association with an RRDD will be managed disconnected in accordance with:
  a. the applicable MDUCA Disconnection Date where the RRDD occurs prior to the scheduled Final Sunset Exit Date; or
  b. the Final Sunset Exit Date, where the applicable MDUCA Disconnection is scheduled to occur after the Final Sunset Exit Date.

## 1.2. Proposed amendments to the Varied Plan

| Relevant Section of the Plan | Proposed Amendment |
|---|---|
| Clause 1.4 MDU Common Areas and related Copper Services and HFC Services | Amendments to provide for the managed disconnection arrangements for MDU Common Areas to apply (as described in Section 1.1 above) with regard to the MDUCA Disconnection Date, and to amend the arrangements within the Existing Plan which are based upon the later of the milestone that is the later of 24 months following the End of Rollout Date or 20 Business Days after the Disconnection Date for the relevant Rollout Region.<br><br>The change at clause 1.4 in the Varied Plan is positioned with regard to disconnection needing to occur on or before the MDUCA End Date. A definition for 'MDUCA End Date', has been introduced to Schedule 10 – Dictionary in the Varied Plan (below). The MDUCA End Date applicable to either an MDU Common Area or an Untagged Premises aligns to the required milestone for completion of permanent disconnections. As established in the Existing Plan:<br><br>• Service disconnection involves the raising and processing of a disconnection order. Accordingly, the applicability of this milestone is the primary focus in Section 1.1 above because it is more relevant to RSPs and their end-users.<br>• Permanent disconnection is the additional back-end step which Telstra is required to perform as soon as reasonably practicable following the service disconnection step. |
| Required Measure 2 Clause 7.5 – Process for Managed Disconnection of Copper Services from the Disconnection Date<br><br>Required Measure 3 Clause 6.4 - Process for Managed Disconnection of HFC Services | Amend existing reference to End of Rollout Date and replace with new reference to the MDUCA Disconnection Date, to reflect the revised disconnection milestone applicable to MDU Common Areas.<br><br>This obligation relates to the timeframe for when Telstra is required to publish a document setting out the process it will apply to the managed disconnection of MDU Common Areas. |
| Required Measure 5(A) Clause 10.6<br><br>Required Measure 5(C) Clause 10.6<br><br>Required Measure 5(D) Clause 10.6<br><br>Required Measure 5(E) Clause 10.6 | Amendments align to those described for Clause 7.5 of Required Measure 2 above to replace the existing reference to the End of Rollout Date with the new reference to the MDUCA Disconnection Date. |
| Schedule 10 – Dictionary | Introducing newly defined terms, being MDUCA Disconnection Date, MDUCA End Date, Untagged Premises and Untagged Premises Disconnection Date. |

For ease of identification within the marked-up version of the Varied Plan, the above changes are highlighted in **blue** outline.

### 1.3. Consistency with the MPPs

Telstra considers its proposal to amend the disconnection arrangements for MDU Common Areas is consistent with the MPPs, including Specific Principle 14, which requires that services at an MDU Common Area within the Fixed Line Footprint are disconnected on or before the date that is the later of:

- 24 months after the End of the Rollout Date; and
- 20 Business Days after the disconnection date for the relevant Rollout Region.

The basis for assessing compliance with Specific Principle 14 is that the managed disconnection of MDU Common Areas will now commence prior to and will complete prior to the milestone that is 24 months after the End of Rollout Date. Accordingly, it is not expected these arrangements would result in an inconsistency with the second limb of Specific Principle 14, regarding disconnections of MDU Common Areas needing to occur within 20 Business Days of the RRDD, where the applicable RRDD occurs after the milestone that is 24 months after the End of Rollout Date.

Telstra notes that nbn co has not yet notified when the End of Rollout Date will occur under the Definitive Agreements. Practically therefore, as the End of Rollout Date milestone cannot occur earlier than August 2021, the milestone that is 24 months after the End of Rollout Date cannot occur prior to August 2023.

## 02 Managed Disconnection of Complex Ready to Connect Premises

### 2.1. Overview and Supporting Rationale

Telstra is proposing to formally document in the Existing Plan the following measures which are already subject to regulatory forbearance granted by the ACCC on 6 October 2020.

Telstra and nbn co reached agreement in September 2020 under the Definitive Agreements to implement an arrangement designed to replace the previous interim extensions arrangements relating the managed disconnection of premises impacted by ongoing nbn-serviceability challenges in the lead-up to and following their RRDD (including at Service Continuity Regions (**SCRs**)).

These new arrangements have been introduced because they:

- Further support the service continuity objective by deferring the managed disconnection obligation at in-scope premises that are not yet capable of migrating to the nbn network, and upon these premises becoming nbn-serviceable, allowing RSPs and end-users sufficient opportunity to arrange for their services to migrate to the nbn network.

- Provide Wholesale Customers and Retail BU with certainty over the timeframes that will apply to the disconnection of not nbn-serviceable premises.

- Are easier for Telstra and nbn co to operationally administer by comparison to the previous interim extension arrangements.

The proposed arrangements now incorporated in the Varied Plan are summarised as follows:

- nbn co will notify Telstra as to each premise that is eligible under the new arrangements, including the applicable classification and Telstra is responsible for notifying its Wholesale Customers and its Retail BU (on an equivalent basis).

- Premises that become nbn-serviceable within the 3-month period up to the RRDD, where nbn co has not received an NBN Initial Connection Order prior to the RRDD for the relevant Rollout Region:

a. are to be known as a 'Newly Serviceable Premises'.
b. are to be provided an extension from managed disconnection equivalent to maximum timeframe In-Train Order Period before service disconnection will commence (i.e. 150 Business Days post RRDD and complete within 155 BDs post RRDD).
c. will be notified to the relevant Wholesale Customer or Retail BU, that the premises have become nbn-serviceable following the applicable RRDD.

- Premises that are either not nbn-serviceable as at the RRDD or that become not nbn-serviceable at any point after the RRDD, or were previously an Extended SCR Premise and remain not nbn-serviceable, or are otherwise agreed with nbn co:

  a. are to be known as 'Complex Ready to Connect (**RTC**) Premises'.
  b. will be notified to the relevant Wholesale Customer or Retail BU, that the premises are not nbn-serviceable and is a Complex RTC Premises following RRDD.

- nbn co will notify Telstra which of these Complex RTC Premises have subsequently become nbn-serviceable. At such time those premises:

  a. become 'Serviceable Complex RTC Premises'.
  b. will be notified to Wholesale Customers and Retail BU within 10 Business Days upon notification received from nbn co by Telstra that they are nbn-Serviceable.

- The service disconnection of Complex RTC Premises and Serviceable Complex RTC Premises will proceed in accordance with the 'Extended Disconnection Date', which will be based upon the earlier of the following milestones:

  a. For Serviceable Complex RTC Premises, the date that is the later of:
     - 90 BDs after the date Telstra receives notification from nbn co that the Premises has become a Serviceable Complex RTC Premises; or
     - 150 BDs following the RRDD for that Rollout Region (i.e. equivalent to the maximum In-Train Order Period whereby service disconnection must then complete within 155 BDs following RRDD).
  b. 29 April 2022.

  Note: permanent disconnections then commence immediately following the service disconnection step and therefore will complete as soon as reasonably practicable following the applicable Extended Disconnection Date above.

- The applicable Extended Disconnection Date will be notified to Wholesale Customers and Retail BU in association with the notifications of the Complex RTC Premises and Serviceable Complex RTC Premises.

As per standard arrangements, the deferral of managed disconnections for these premises will not prevent their disconnection at an earlier date in accordance with any Wholesale or Retail Customer initiated request.

### 2.2. Proposed amendments within the Varied Plan

| Relevant Section of the Plan | Proposed Amendment |
|---|---|
| Clause 15.9 Disconnection of Complex RTC Premises | Deletion of the arrangements relating to Extended SCR Premises which were the interim managed disconnection extension arrangements for not nbn-serviceable premises already residing in SCRs. These arrangements have now been superseded. |

| Relevant Section of the Plan | Proposed Amendment |
|---|---|
| | Replacement clause inserted outlining the managed disconnection arrangements applicable for Newly Serviceable Premises, Complex RTC Premises and Serviceable Complex RTC Premises respectively. This includes the associated notification arrangements for premises that are classified as either Complex RTC Premises or Serviceable Complex RTC Premises, which will occur on an equivalent basis between Wholesale Customers and Retail BU. |
| Schedule 10 - Dictionary | Inclusion of new defined terms, being Complex RTC Premises, Extended Disconnection Date, Newly Serviceable Premises, and Serviceable Complex RTC Premises<br><br>Note: the definition of Extended SCR Premise has also been inserted in this section. This is not a newly defined term as this definition already resides at clause 15.9 within the Existing Plan. With clause 15.9 now containing superseded arrangements in the Varied Plan, this definition is now being moved to Schedule 10 in substantially the same form. |

For ease of identification within the marked-up version of Varied Plan, the above changes are highlighted in grey outline.

### 2.3. Consistency with the MPPs

Telstra considers this proposed variation supports the disconnection of fixed-line carriage services occurring in a way that promotes the MPPs – particularly general principle 10 and specific principles 12 and 13.

General principle 10(1)(a) seeks to ensure disconnection processes are efficient and timely, which is why the arrangements have established a specific disconnection trigger for not nbn-serviceable premises following these premises being made nbn-serviceable. General principle 10(1)(b) requires that, to the extent it is in Telstra's control, disconnection occurs in a way that minimises disruption to the supply of fixed-line carriage services.

Specific principles 12(7) and 13(5) state that the Plan may set out specified types of no-order disconnection premises for which specified maximum periods for disconnection apply. As required per principles 12(8) and 13(6), the revised disconnection period for these no-order disconnection premises is consistent with the arrangements specified in the Definitive Agreements.

Overall, the proposed variation will provide industry with confidence that there will be appropriate time to migrate customers in a way which continues to promote service continuity for end users and minimises disruption to end-user services by continuing to provide a greater number of premises more time before managed disconnection.

## 03 SS Classes associated to Payphones Access Service Families

### 3.1. Overview and Supporting Rationale

Telstra is proposing to formally document in the Existing Plan the following measure which is already subject to regulatory forbearance granted by the ACCC on 16 December 2020.

Telstra is proposing amendments within the Varied Plan to facilitate the differentiation of Public and Private Payphones in order to enable distinct disconnection processes for each type of payphone.

Private Payphones are those where the payphone hardware is privately owned (or leased) and operated. They are installed and operated at the discretion of the owner of the service. A Private Payphone is different to a Public Payphone which are often located on footpaths and are owned and operated by Telstra under the Universal Service Obligation (**USO**).

Telstra has traditionally supplied two categories of Private Payphones services, which are only differentiated by their applicable product codes (known as **PCMS** codes):

- Private Payphones (ELQ) is a product available to both Retail and Wholesale Customers. There are currently fewer than 3,000 remaining services nationally (with the vast majority being Retail services).
- Private Payphones (ELR) is a product that has only previously been available to Wholesale Customers, although there are currently no services in operation.

Telstra is currently in the process of conducting a national product exit of Private Payphones (ELQ) services. Telstra is seeking to introduce the necessary amendments into the Varied Plan that will ensure equivalence is maintained, whilst not triggering any disconnection obligation on the services that are used to support the operation of Public Payphones (ELP). In order to achieve this outcome, Telstra is seeking to expand the SS Classes associated to Payphones Access Service Families within Table 1 and Table 2 of Schedule 4.

Telstra proposes to augment the existing SS Classes applicable to the Access Service Families of Payphones (Retail) and Customer-operated payphones (Wholesale). This involves recognising that there are two different types of payphones within each Access Service Family (i.e. ELQ and ELP for Retail and ELQ and ELR for Wholesale), with each type spilt (as per other Special Services) across the five SS Classes of nbn access technologies. Telstra confirms that a similar amendment was agreed with nbn co under the Definitive Agreements in April 2021.

In light of the difference between Private Payphones (which are supplied by Telstra to both Retail Customers and Wholesale Customers) and Public Payphones (which are supplied by Telstra to the Australian public at large), Telstra considers that additional flexibility is required when approaching the disconnection of the Payphones Special Services. Telstra considers that the introduction of new SS Classes achieves this, as it allows a separate SS Disconnection Process to be developed for Private Payphones and Public Payphones (without triggering Telstra's equivalency obligations for Wholesale and Retail Customers with services in the same SS Class). This reflects that Public Payphones (ELP) services continue to be made available to the general public by Telstra in accordance with our USO.

An additional amendment is also proposed in the Varied Plan to clarify the notice period requirement to Wholesale Customers. As per the Existing Plan, Telstra is required to provide Wholesale Customers with 18 months' notice prior to the applicable Disconnection Date for an SS Class. In respect of Private Payphones ELQ, since giving notice in May 2019, Telstra has amended its product exit date from the original date of 30 June 2020, initially deferring to 30 September 2020 (to allow for COVID-19 impacts), and then subsequently deferring again to 30 November 2021. Accordingly, Telstra is a now proposing to include a clarification to confirm that in circumstances where a scheduled Disconnection Date for an SS Class is set, and subsequently amended, the notice period shall commence from notification to Wholesale Customers of the original Disconnection Date (i.e. the notice period does not reset each time the Disconnection Date is amended). Telstra previously applied this interpretation in respect of CustomNet Spectrum, when the final subset exit date for in-scope Special Services and Special Service Inputs was deferred from 15 April 2019 to 31 January 2020.

## 3.2. Proposed amendments within the Varied Plan

Schedule 4 of the Varied Plan is proposed to be amended as follows to recognise the differences between Private and Public Payphone services:

| Schedule 4 | Access Service Family | SS Classes per Existing Plan | SS Classes per Varied Plan |
|---|---|---|---|
| **Table 1 (Retail)** | Payphones | Payphones – P<br>Payphones – N<br>Payphones – B<br>Payphones – H<br>Payphones – C | Public Payphones (ELP) – P<br>Public Payphones (ELP) – N<br>Public Payphones (ELP) – B<br>Public Payphones (ELP) – H<br>Public Payphones (ELP) – C<br><br>Private Payphones (ELQ) – P<br>Private Payphones (ELQ) – N<br>Private Payphones (ELQ) – B<br>Private Payphones (ELQ) – H<br>Private Payphones (ELQ) – C |
| **Table 2 (Wholesale)** | Customer-operated payphones | Customer-operated payphones – P<br>Customer-operated payphones – N<br>Customer-operated payphones – B<br>Customer-operated payphones – H<br>Customer-operated payphones – C | Private Payphones (ELQ) – P<br>Private Payphones (ELQ) – N<br>Private Payphones (ELQ) – B<br>Private Payphones (ELQ) – H<br>Private Payphones (ELQ) – C<br><br>Private Payphones (ELR) – P<br>Private Payphones (ELR) – N<br>Private Payphones (ELR) – B<br>Private Payphones (ELR) – H<br>Private Payphones (ELR) – C |

Additional changes to the Varied Plan also include:

| Relevant Section of the Plan | Proposed Amendment |
|---|---|
| Clause 22.3 Equivalent notice to Wholesale Customers about product exits for Direct Special Services | Additional sub-clause inserted to clarify that the notice period provided to Wholesale Customers in regard to a Disconnection Date for a SS Class, will commence from notification to Wholesale Customers of the original Disconnection Date, despite any subsequent amendments to this Disconnection Date. |
| Schedule 4 Clause 1(c) | Clarification that the Payphones and Customer-operated payphones Access Services Families now have additional SS Classes by comparison to the other Special Service Access Service Families. |

For ease of identification within the marked-up version of Varied Plan, the above changes are highlighted in yellow outline.

## 3.3. Consistency with the MPPs

Telstra considers this proposal is consistent with the MPPs.

The amendments within the Varied Plan relate to amendments to the SS Classes associated with specific Access Service Families, rather than seeking to amend the Access Service Families. This proposal therefore continues to comply with Table 1 (Special Services (Retail)) and Table 2 (Special Services (Wholesale)) of Schedule 1 of the MPPs which list the Access Service Families, although do not list the associated SS Class.

In respect of the upcoming product exit of Private Payphones (ELQ), Telstra intends to comply with the requirements of Specific Principle 28 and 18 in regard to the development of a new Required Measure to describe the processes Telstra will utilise to manage and implement the disconnection of in-scope classes of Special Services.

# 04 Authority to Approve Reconnections of Legacy Services

## 4.1. Overview and Supporting Rationale

Telstra is proposing a minor amendment in the Varied Plan relating to Telstra's internal authority to authorise the reconnection of copper and HFC services, where appropriate and in accordance with the conditions within the Existing Plan.

Provisions of the Plan prevent Telstra from building new or reconnecting Copper Paths or HFC Lines, at premises which have been passed and that have been permanently disconnected. Exceptions to this general obligation exist in regard to requests for Direct Special Services where no service restriction obligations apply, or where permanent disconnection has been performed in error. In addition, Telstra has also previously notified the ACCC of its intentions to comply with its reconnection obligations under the Australian Communication and Media Authority's (**ACMA**) Service Continuity Standard.

Where Telstra is required to undertake a reconnection, the Existing Plan refers to the need for an approval to be provided by a Telstra personnel at 'Director level or higher', and it is also clarified in certain sections that this person must not be part of the Retail BU. Telstra is now seeking to introduce minor amendments in the Varied Plan to:

- introduce a further specific role with this approval authority, being the person who is at the 'principal' level and 'accountable for disconnection protocols'. Effectively this is the person who operationally oversees Telstra's specific disconnection protocols agreed with nbn co under the Definitive Agreements; and
- clarify that each person with the authority to approve reconnections of legacy services will reside in InfraCo. InfraCo is a stand-alone division within Telstra that is separate to the Retail BU.

Telstra considers this proposal to be justified on the basis that Telstra needs to periodically review the roles and responsibilities of its personnel. As an outcome of these reviews, it is reasonable to allocate authority to persons who are subject matter experts ('principals') and appropriately experienced. Operationally, Telstra also believes this amendment will likely result in more efficient processes in deciding whether a reconnection can occur due to subject matter experts being able to make the reconnection decision themselves, which will ultimately benefit both Wholesale and Retail Customers. The amendment will also prevent the need for ongoing or repeated amendments to the Plan as roles and responsibilities evolve.

## 4.2. Proposed amendments within the Varied Plan

| Relevant Section of the Plan | Proposed Amendment |
|---|---|
| Schedule 5 Technical conditions constituting permanent disconnection | Amendments inserted to various existing clauses within this Schedule to include reference to the additional role at Telstra with the authority to approve an amendment to the status of a service |

| Relevant Section of the Plan | Proposed Amendment |
|---|---|
| | that is undergoing or has previously undergone permanent disconnection. This additional role is a 'principal (principal accountable for disconnection protocols)', in addition to the existing roles that are at 'Director' level or 'higher'.<br><br>An additional clarification has also been included within these clauses to confirm that the roles with this approval authority will reside inside InfraCo. |
| Required Measure 4 - Process for Telstra to Build Copper Paths at Premises which had been Permanently Disconnected, in order to Supply Special Services and Special Service Inputs to that Premises | Amendments inserted align to those described for Schedule 5 above. |

For ease of identification within the marked-up version of Varied Plan, the above changes are highlighted in purple outline.

### 4.3. Consistency with the MPPs

Telstra considers this proposal to include an additional role with approval responsibility, will continue to assist to promote Telstra's compliance with the MPPs, including Specific Principles 20 and 18.

Specific Principle 20 relates to the conditions for which Telstra is permitted to reconnect services where such services were originally not required to be disconnected. Specific Principle 18(5) relates to the process for building or reconnecting copper services at premises which had previously been permanently disconnected, in order to supply a Special Service or Special Service Input to that premises.

The inclusion of the additional role with approval authority reflects that the person performing this role is both a subject matter expert and has appropriate experience, in order to assess and decide whether the conditions giving rise to reconnection request under MPPs (and the Plan more broadly) are satisfied.

## 05 Other Matters

### 5.1. Incorporating Replacement Required Measures 5(A), 5(C) and 5(D)

Following external consultations and subsequent notification process in accordance with Clause 5.2 of the Plan, Telstra published finalised versions of:

- Replacement Required Measures 5(A) and 5(D) on 10 May 2020. These versions of the Required Measures incorporated the processes to support the SSDD for BDSL(C) which will be 22 July 2022 and the product exit for Retail and Wholesale Access Services Family: ISDN.
- Replacement Required Measures 5(A), 5(C) and 5(D) on 12 May 2021. These versions of the Required Measures incorporated the processes to support the product exit of Retail and Wholesale Access Service Families: BDSL, ATM, DDS Fastway, Data Access Radial, Megalink and Frame Relay.

For ease of reference, Telstra has consolidated these versions of the Replacement Required Measures 5(A), 5(C) and 5(D) into this Varied Plan.

As advised at Section 1 above, regarding Managed Disconnection of MDU Common Areas, there is a minor amendment in each of these Required Measures 5 (at clause 10.6), to replace the existing reference to the End of Rollout Date with the new reference to the MDUCA Disconnection Date.

### 5.2. Minor Sequencing Amendments within Schedule 10

Telstra has amended Schedule 10 – Dictionary to ensure existing defined terms are in the correct alphabetical order. For clarification, there have been no changes to the underlying defined terms, other than for the introduction of the new defined terms already referenced Sections 1.2 and 2.2 above.

## 06 Conclusion

The amendments set out in this submission introduce a number of important refinements to the Plan which reflect our ongoing operational experience with the migration process. Telstra submits this Varied Plan to the ACCC for approval under section 577BF(2) of the *Telecommunications Act 1997*, and looks forward to industry feedback as facilitated by the ACCC.