

19 November 2021

Steve Williams
Assistant Director
Transmission and Facilities Access
Infrastructure Regulation Division
ACCC

Luis Martinez
Senior Analyst
Transmission and Facilities Access
Infrastructure Regulation Division
ACCC

By email: steve.williams@acc.gov.au; luis.martinez@acc.gov.au

Dear Messrs Williams and Martinez

Audit of Telecommunications Infrastructure Assets – Record Keeping Rules – Consultation paper

TPG Telecom Limited (**TPG**) welcomes the opportunity to provide comments to the Australian Competition and Consumer Commission (**ACCC**) regarding the above consultation.

While TPG generally supports ACCC's efforts to increase transparency, they must be properly weighed against the regulatory burden imposed on record-keepers. Of the proposals, the requirement to provide location information of end-users is of particular concern to TPG. Not only is this proposal extremely onerous and would require TPG to commit significant resources to track subscriber locations, it is also unclear how the location information of end-users on TPG's networks is relevant to the matters prescribed in s.151BU(4) of the *Competition and Consumer Act 2010*.

If the ACCC's intention is to better understand the take-up of NBN Co's infrastructure (and where end-users are or are not taking up NBN Co services), the ACCC should consider NBN Co specific RKR's. The policy justification for requiring a government-owned and mandated monopoly to provide information is significantly stronger. However, the ACCC must recognise that non-NBN Co infrastructure owners operate within a different competitive context, where the presumption should favour lessening regulatory burden, not increasing it.

TPG's responses to the ACCC's questions are contained in the **attachment** to this letter.

If you have any further questions, please contact Louie Liu at louie.liu@vodafone.com.au.

Yours sincerely

TPG Telecom Limited

Attachment

1) Is it appropriate to include Aussie Broadband, DGtek, FibreconX, Leading Edge and Springfield City Group in the list of record-keepers set out in Part 1 to Schedule 1 to the Rules?

TPG supports the inclusion of the above entities to the list of record-keepers.

2) Are there other providers that should be included in the list of record-keepers? Are there any record-keepers that should be removed from the list at Schedule 1?

TPG supports the removal of Vodafone Hutchison Australia Pty Limited from the list of record-keepers.

3) Should satellite service providers be included in the list of record-keepers? If so, which providers should be included?

N/A

4) Should relevant record-keepers be required to provide information on the location of the end-user's end of the CAN? Are the proposed amendments to the RKR appropriate to achieve this?

TPG opposes the requirement to provide location information of end-users. TPG understands that the ACCC's working intention is to require record-keepers to provide location of end-user equipment by providing a map with pins specifying an individual end-user's relevant access technology.

TPG disagrees with the ACCC's assumption that that information on the location of the end-users' side of the CAN is already present in carriers' existing information systems and the additional requirement will require minimal additional burden on record keepers. This is not the case for TPG.

The proposed RKR would require TPG to commit significant resources to execute as such representation of location information is not something TPG collates in the ordinary course of business. Furthermore, we would anticipate that the accuracy of such data set would be difficult to verify. It is also not clear how the ACCC's proposal would interface with privacy considerations.

Fundamentally, TPG does not believe knowing the location of an end-user on TPG's networks would provide additive insight to the ACCC to ascertain the level of competition between different access technologies. The ACCC has not provided sufficient information regarding how such sensitive information would be used in the ACCC's considerations about competition or how the ACCC's proposal would interface with other competing considerations (eg. privacy considerations).

The policy basis for NBN Co to provide location information is much clearer given it is a government owned and mandated monopoly. A greater level of transparency regarding where particular access technology is, combined with relevant customer complaint information, would identify areas where connectivity is poor and technology options are limited.

5) Do you have any comments on the requirement for relevant record keepers to provide a single coverage map for each mobile technology in operation?

N/A

6) Do you have any comments on the requirement for relevant record-keepers to report both outdoor and external-antenna mobile coverage? Are the definitions of outdoor coverage and external-antenna coverage in the

draft Rules at Attachment A correct?

As a general principle, TPG supports increasing transparency. The demarcation of 'outdoor' and 'external-antenna' coverage would be of greatest interest to consumers and end-users in regional/rural Australia. The ACCC should consider how this information would be made available to the public.

7) Should record-keepers be required to report on the assumptions they use to calculate coverage for mobile networks? If not, why not?

It is unclear what the ACCC is seeking to determine with this proposal. TPG is not convinced providing assumptions used for coverage calculations are of material benefit if the intent is to allow comparisons across different networks. The MNOs have different coverage simulation models and use different terrain maps, the assumptions used are likely to be uniquely suited to an MNO's proprietary methodology.

A more insightful approach for the purposes of comparing different networks might be for the ACCC to develop its own coverage simulation model and request from MNOs a standardised set of input metrics.

8) Do you have any comments on the requirement for relevant record-keepers to report the type of cell operating at each mobile site? Is the cell-type classification proposed in the draft adequate?

TPG notes that the term 'small cell' is only generally defined in practice and tends to be only used in marketing contexts. It is unclear how 'small cells' are defined in the ACCC's proposal. TPG welcomes clarity on this definition, for example, whether small cells are defined by form factor, power, or other metrics.

9) Should record-keepers be required to provide one individual file representing the national geographic extent of their networks? Are the proposed amendments to the RKR appropriate to achieve this?

N/A

10) Are the proposed amendments to Rule 7 adequate to ensure a comprehensive interpretation of maps provided under the Rules?

N/A

11) Are the proposed amendments to rule 8 adequate to ensure that changes in methodology are not misinterpreted by the ACCC?

N/A