TELSTRA CORPORATION LIMITED

Response to ACCC Discussion Paper on proposed Record Keeping Rule – NBN Service Performance

17 February 2023

General

General

1   Executive Summary

NBN Co plays a leading role in the delivery of a service that continues to increase in importance to Australian consumers. The digitisation of the economy, and flow-on benefits to businesses and consumers, are reliant on a high performing NBN that meets customer expectations. It is important that NBN Co faces the right incentives to operate efficiently, effectively and in the interests of end users. This will be achieved with transparency on the right service performance metrics that matter to RSPs and end-users, and that reflect the consumer experience.

Telstra welcomes the ACCC's consultation paper setting out its proposal to develop an RKR for NBN Co relating to its service quality and network performance. This proposed RKR addresses important service categories including connections, faults, appointments, network outages and speed performance, rebates due to not meeting service levels, and corrective action taken by NBN Co. Specifically, the ACCC have set out and requested feedback for 21 individual service metrics and associated data requirements for collection, related to these service categories. In preparing our feedback and suggestions for the ACCC's consideration, we have considered where further transparency on NBN performance may be appropriate to better reflect the end-user experience.

We strongly support the inclusion of reporting requirements on NBN Co's delivery of wholesale service standards in association with this RKR. This comprises NBN Co reporting to the ACCC, and the ACCC in turn publishing a summary report. The wholesale service standards applicable to NBN Co and the reporting of performance against those standards are important drivers of NBN Co's behaviour as the dominant provider of fixed broadband services in Australia. Performance reporting is also important as it identifies areas where the quality of service being delivered to the end-user may be lagging, enabling RSPs and other stakeholders to put pressure on NBN Co to address issues. It will therefore ensure a closer link between NBN Co's prices and service quality, and provide a greater incentive for NBN Co to improve areas of under-performance. While it is important for the ACCC to have that oversight, it is equally important for industry and stakeholders to understand NBN performance in its entirety via the reporting the ACCC will publish.

The collection of information at an industry level under the RKR, will help promote efficient market outcomes and the LTIE. It is important to ensure the benefits of information collection and reporting are maintained. Accordingly, flexibility within the RKR is required to be able to accommodate new issues related to areas of NBN Co's service standards, which are not currently on the radar.

Telstra is comfortable with the proposal for NBN Co to report to the ACCC on a bi-annual basis, which will also be the basis for the ACCC's public reporting. The ACCC advises that it intends to make the final RKR for NBN Co in mid-2023, upon considering submissions on the draft RKR to be published in the first quarter of 2023. Telstra supports the finalisation of this RKR as soon as possible, to enable the publishing of reporting following the initial 6-month period in-scope.

The ACCC will also be seeking submissions to help inform an approach for the collection and reporting on information relating to the service quality and network performance of SBAS providers in the future. Like the NBN, the quality of broadband services is important to end-users and for RSPs on SBAS networks. It is highly likely the service categories set out within this ACCC consultation paper would also be relevant to SBAS providers. However, the specifics of the metrics and information to be collected, will be better informed through a dedicated regulatory impact assessment for SBAS providers, as is proposed by the ACCC for later in 2023. It will be important to consider, depending on the nature of the information that is requested, the impact of a service performance RKR will likely be more significant for SBAS providers compared to NBN Co, due to their relative size and customer base.

2   Acronyms and terms referred to in this submission

ACCC: Australian Competition and Consumer Commission
ACMA: Australian Communications and Media Authority
BD: Business Day
Capex: Capital Expenditure
CCA: Competition and Consumer Act 2010
CLC: Carrier Licence Condition
CSG: Customer Service Guarantee
DITRDCA: Department of Transport, Regional Development, Communications and the Arts
EMR: Electronic Medical Product
FAB: Fibre Access Broadband
FTTB: Fibre to the Basement
FTTC: Fibre to the Curb
FTTN: Fibre to the Node
FTTP: Fibre to the Premise
LTIE: Long Term Interests of End Users
NBN: National Broadband Network
NBN Co: NBN Co Limited
NPS: Net Promoter Score
Opex: Operating expenditure
PA: Priority Assist
PSTN: Public Switched Telephone Network
RSP: Retail Service Provider
RKR: Record Keeping Rule
SAU Variation: NBN Co's Special Access Undertaking variation proposal
SBAS: Superfast Broadband Access Service
SLA: Service Level Agreement
WBA: Wholesale Broadband Agreement

General

3 Introduction

The ACCC is proposing to develop a RKR for NBN Co relating to its service quality and network performance. An RKR will require NBN Co to retain certain information and provide information to the ACCC to assist in its monitoring, analysis, and reporting functions. The ACCC also proposes to publicly report on NBN Co's service quality and network performance based on the information collected through the RKR.

The ACCC has already conducted multiple consultation processes in the lead up to releasing this NBN service performance consultation paper. Telstra has previously raised concerns in its submissions to prior consultations about the adequacy of NBN Co's reporting in relation to service quality and performance of its wholesale broadband services.[1] As set out in our previous submissions, we have advocated for the ACCC to use its powers under section 151BU of the CCA to make RKRs that enable public reporting on NBN Co's service quality performance, in a way that helps customers and the market. We have justified this request as follows:

- It is critical for the ongoing operation of a minimum acceptable regulatory framework for service quality to have accurate reporting of the service quality metrics that are important to end users.
- There is insufficient information available covering a whole of network view, to enable adequate oversight of NBN Co's overall performance
- NBN Co currently has flexibility to choose its own public performance metrics and, while NBN Co publishes some performance information on its website, this is limited and does not provide a full picture of NBN performance that accurately reflects the end-user experience.
- For example, the network availability metric published by NBN Co shows that it exceeds its performance objective of 99.90% [2] but this metric currently excludes planned outages including where RSPs are not being provided notice in accordance with minimum service levels.
- While NBN Co does provide monthly performance reports to RSPs in association with the WBA service levels and performance objectives, those reports are specific to its performance for that RSP and do not provide a whole of market view.
- Public reporting will be helpful for the community and market to understand what the future focus areas to improve service quality may be.
- Public reporting will also help NBN Co justify Opex and Capex forecasts linked to service quality improvements for future regulatory periods.

---

[1] For example, Telstra's Submission on proposed changes to the NBN Services in Operation Record Keeping Rules (26 November 2021) TELSTRA CORPORATION LIMITED (accc.gov.au) and Telstra's Response to the Proposed Variation to the NBN Co Special Access Undertaking (20 July 2022) Submission - Telstra - Public - NBN Co SAU Variation March 2022 - 20 July 2022.pdf (accc.gov.au).

[2] NBN Co, Monthly Progress Report, Network availability metric How we're tracking: December 2022 | nbn (nbnco.com.au)

General

4   Matters for consultation

4.1   Record Keeping Rule Content

At Attachment A of the consultation paper, the ACCC has set out 21 aspects of service quality and network performance, the related service level metrics, and proposed data to be collected through an RKR for NBN Co. These aspects of service quality and network performance are associated to the following categories:

- Connections, transfers, and associated appointment keeping.
- End-user/network faults, dropouts, and associated appointment keeping.
- Network outages.
- Network speeds, traffic delays, and utilisation.
- Fibre to the premises upgrades.
- Rebates due to not meeting service levels.
- Corrective action taken by NBN Co.

The above categories have been informed by the ACCC's previous inquiry and consultation processes and therefore are an appropriate basis for developing specific metrics.

4.2   Connections, transfers, and associated appointment keeping

The ACCC consultation paper correctly recognises that 'wholesale connection and transfer processes are vital to ensuring end-users can use broadband services in a timely fashion'.

We strongly support the ACCC's proposal to collect and publish information from NBN Co to enable reporting that address volumes, timeframes to complete connections, appointment keeping and right-first-time metrics. We also agree with the ACCC's assessment that it is beneficial for NBN Co to provide the information in a way that will allow users of the data to understand whether any issues that arise are occurring based on geographic locations or specific to certain types of access technology.

In Appendix 1 to this submission, Telstra has set out its detailed assessment and feedback for each of the items 1 - 6 of Attachment A of the ACCC's consultation paper.

4.3   End-user / network faults, dropouts, and associated appointment keeping

The ACCC consultation paper correctly recognises that the number of faults and the time taken to rectify, have a direct impact to the end-user experience on the NBN. Telstra agrees with the ACCC's position that it is reasonable that the NBN will experience some level of faults, however "…increased levels of faults and delays in fixing faults (both individual line and NBN Co network faults) leads to detrimental consumer outcomes and higher costs for retailers".

We strongly support the ACCC's proposal to collect and publish information from NBN Co to enable reporting that addresses volumes of fault and performance incidents, rectification performance, recurring incidents and rectification appointment keeping.

In Appendix 1 to this submission, Telstra has set out its detailed assessment and feedback for each of the items 7 - 13 of Attachment A of the ACCC's consultation paper.

General

4.4   Network outages

The ACCC consultation paper correctly recognises that whilst a wholesale broadband network will experience both planned and unplanned outages, the occurrence of these outages can be detrimental to end-users.

We strongly support the ACCC's proposal to collect and publish information from NBN Co to enable reporting that addresses volume and impact of outages on the NBN, their duration and time of day they occur.

In Appendix 1 to this submission, Telstra has set out its assessment and feedback for item 14 of Attachment A of the ACCC's consultation paper. We note that NBN Co's current outage management processes and service levels are the subject of a Communications Alliance working group evaluation to identify and develop improvement opportunities, which remains in progress. Therefore this metric and associated data requirement should be revisited when appropriate to reflect the outcomes of the working group.

4.5   Network speeds, traffic delays, and utilisation

The ACCC consultation paper correctly recognises in relation to:

- Network speeds – the importance of supporting assured speeds on the NBN, as acquired by RSPs and their end-users.
- Traffic performance – that slow or delayed internet access due to network traffic can negatively impact on end-user experience.
- Traffic utilisation – it is appropriate to monitor congestion on the shared network and associated corrective action to return it to assured levels.

We strongly support the ACCC's proposal to collect and publish information from NBN Co to enable reporting that addresses NBN performance in terms of network speeds on both the fixed line and fixed wireless network, congestion, traffic delays and utilisation.

In Appendix 1 to this submission, Telstra has set out its assessment and feedback for each of the items 15 - 18 of Attachment A of the ACCC's consultation paper.

4.6   Fibre to the premises upgrades

The allocation of funding received by NBN Co from Government to upgrade certain premises currently using copper connections to NBN FTTP connections, is a program of great interest to RSPs, including Telstra. The upgrade of the current access network type to FTTP will have a have a significant impact upon end-users at in-scope premises. Their decision to pursue a technology upgrade is guided by a desire for improved service quality and network performance. RSPs in turn are required to help facilitate end-users' decisions regarding change of technology requests.

We therefore strongly support the ACCC's proposal to collect and publish information on the progress of NBN Co's FTTP upgrade program.

In Appendix 1 to this submission, Telstra has set out its assessment and feedback for item 19 of Attachment A of the ACCC's consultation paper.

General

4.7   Rebates

The ACCC consultation paper correctly recognises that the collection of information relating to the number of services subject to rebates payable by NBN Co, and their associated rebate category, will provide an important indicator of service performance, especially in relation to potential systematic issues. The ACCC have also recognised that certain rebate categories are capped, whereby NBN Co does not incur any further financial penalty for not resolving the service issues upon the cap being reached. Accordingly, Telstra also agrees that additional information on the number of services for which fully capped rebates were reached, would help to provide further transparency around potentially unresolved service quality issues.

We therefore strongly support the ACCC's proposal to collect and publish information on the number of services for which an NBN Co rebate was payable and capped under its WBA, based on the applicable rebate category.

In Appendix 1 to this submission, Telstra has set out its assessment and feedback for item 20 of Attachment A of the ACCC's consultation paper.

4.8   Corrective action

Telstra agrees with the ACCC consultation paper assessment that collection of information relating to NBN Co's corrective action under the WBA, and subsequent outcomes, when it does not achieve its performance objectives, will provide transparency as to reasons for this failure, and its responsiveness to address the issues.

We therefore strongly support the ACCC's proposal to collect and publish information for each type of service activity, relating to reasoning for failure to achieve of performance objectives, the number of corrective active plans given to RSPs, and time taken to implement.

In Appendix 1 to this submission, Telstra has set out its assessment and feedback for item 21 of Attachment A of the ACCC's consultation paper.

4.9   Reporting frequency

The ACCC proposes that NBN Co keep and retain the information under an RKR and report to the ACCC bi-annually, in June and December, with data to be segmented on a quarterly basis. Accordingly, the ACCC also proposes to release a public summary report every six months.

Please see section 5.7 below for Telstra's response to the specific question raised by the ACCC as to the appropriateness of this proposed reporting frequency.

5   Responses to questions for stakeholders

5.1   Appropriateness of the data within Attachment A for an RKR for NBN Co

The ACCC has asked whether the service aspects, service level metrics and proposed data set out in Attachment A of the ACCC consultation paper are appropriate for an RKR for NBN Co.

The ACCC has advised that the objective in developing the 21 aspects of service quality and network performance listed in Attachment A of the ACCC consultation paper, is to monitor NBN Co's performance on two main areas being:

- Meeting RSP connection and fault rectification requests, as well as the giving of notice to RSPs in relation to outages.

- The quality of its network, especially for any systemic issues which impact upon RSPs and end-users.

The ACCC has advised that it has sought to focus on the aspects of NBN Co's service performance that impact upon the ability of RSPs to meet end-user needs and expectations, including potential issues with consumer detriment. Further, the ACCC has advised it has had regard to NBN Co's current WBA service levels and is seeking to collect information on a disaggregated basis, to provide an appropriate level of transparency.

Telstra considers these objectives are appropriate and that the service aspects, service level metrics and proposed data set out in Attachment A of the ACCC consultation paper, are consistent with these objectives. Telstra also supports the proposed service aspects, service level metrics and proposed data set out in Attachment A of the ACCC consultation paper as being appropriate for an RKR for NBN Co. As noted in sections 4.2. through 4.8, Telstra has set out its detailed assessment and feedback for each of the 21 items in Attachment A of the ACCC's consultation paper in Appendix 1 of this submission. This includes suggestions for the ACCC's consideration, where Telstra believes the proposed and the associated information requirements can provide additional and necessary transparency on NBN Co's performance.

Telstra's view is that it is consistent with past and current industry practice for the ACCC to require NBN Co to retain this detailed information and report it to the ACCC under an RKR. Telstra is currently subject to a number of performance reporting obligations similar in nature to the requirements of the proposed RKR, in respect of our legacy copper network and / or as an NBN access seeker. This includes reporting obligations with other regulators. These obligations are set out in Appendix 3 in our submission. Telstra as a network provider and as a reseller of NBN services understands the impacts of these demands, however we consider that the reporting burden is justified in the case of the proposed RKR for NBN Co. This reflects NBN Co's position as the dominant provider of fixed broadband services in Australia. Telstra recognises all regulatory related reporting obligations should be subject to periodic review to consider whether the burden they impose, remains justified.

5.2   Applicability of the data set out in Attachment A for SBAS providers

The ACCC has asked to what extent the service aspects, service level metrics and proposed data set out in Attachment A should also apply to SBAS providers.

The quality of broadband services is important for end-users and for RSPs, including on SBAS networks. Further, transparency of service levels provides greater incentives for network service providers, including SBAS providers, to provide a level of service that meets the expectations of RSPs and end-users.

The ACCC consultation paper notes that several RSPs have advised they consider the quality and performance of SBAS networks that they access was in some cases not apparent until their customers made complaints to them about poor service quality. Further, these retailers consider that SBAS providers should also be required to disclose network service quality and performance information. Should the ACCC determine that appropriate justification exists to require SBAS providers be subject to an RKR related to service quality and network performance, then Telstra agrees that it would be appropriate to consider information be collected and reported consistent with the following categories identified in the ACCC consultation paper:

- Connections, transfers, and associated appointment keeping
- End-user/network faults, dropouts, and associated appointment keeping
- Network outages
- Network speeds, traffic delays, and utilisation
- Rebates due to not meeting service levels
- Corrective action

General

Telstra supports the ACCC's proposal to directly consult with SBAS providers and other stakeholders including impacted RSPs, on the development of specific metrics for the provision of service level information for public reporting purposes. This consultation with SBAS providers would help to inform the appropriateness of the specific metrics and information requirements, including their capabilities for retaining data and reporting it. The impact of an RKR for service quality and network performance will likely be more significant for SBAS providers by comparison to NBN Co, based upon their relative size and customer base. Accordingly, Telstra's current view is that the information collected from SBAS providers does not need to be as varied or detailed as that for NBN Co.

Telstra considers that the ACCC's current priority should be finalisation of an RKR for NBN Co, as it is by far the dominant provider of fixed broadband services in Australia. The ACCC has limited resources and should prioritise design and implementation of regulatory measures which have the greatest benefit for Australian consumers. Only once the proposed NBN service performance RKR is in place and its effectiveness in operation has been assessed for a reasonable period of time, will it be appropriate to impose similar obligations on SBAS providers. A tailored RKR solution for SBAS providers could then be developed, that is appropriate to their relative size and scale, as well as the issues their RSPs are facing.

As Telstra advised in its submission to the ACCC in December 2022 [3], the FAB service is currently supplied over Telstra's FTTP networks in South Brisbane and Velocity Estates. These networks were sold to Uniti in December 2020 and the transition of customers to Uniti has commenced, with completion currently expected before the end of 2023. As part of the transition, the FAB service will be withdrawn. Accordingly, Telstra considers that it is critical for current terms of supply for the FAB service to be maintained to avoid any disruption to the migration process. Accordingly, the FAB service should not be subjected to any new regulatory obligations, such as an RKR, as the service is in the process of being withdrawn. Any requirement to amend terms of access to the FAB service while the transition takes place would disrupt this process to the detriment of end-users.

5.3 Threshold regarding SBAS network scale before an RKR applies

The ACCC has asked whether there should be a threshold regarding SBAS network scale (e.g. based on the number of end-users connected) before the provider is subject to an RKR for service quality and performance metrics.

Telstra supports a small network exemption for SBAS providers based on the number of end-users connected. This approach will ensure a proportionate approach to regulation and is likely to help promote investment in such smaller scale SBAS networks.

5.4 Suggested changes and any additional metrics

The ACCC has asked whether more or fewer metrics should form part of the RKR and whether the metrics can be more clearly expressed or defined.

Telstra is comfortable with the metrics listed at Attachment A of the ACCC consultation paper. In Appendix 1 of this submission we have set out our detailed assessment and feedback for each of the 21 metrics within Attachment A of the ACCC's consultation paper. This includes where Telstra believes transparency in measuring NBN Co's performance related to service and network quality can be further enhanced, particularly on matters directly impacting end-users. Key suggestions include to:

---

[3] Telstra, Submission to the ACCC Superfast Broadband Access Service – access determination inquiry, Draft Decision, 9 December 2022 TELSTRA CORPORATION LIMITED (accc.gov.au)

- Align the proposed data requirements, where possible and appropriate, to measure performance with NBN Co's service levels per the WBA. We note that this will benefit NBN Co from a reporting preparation perspective and provide RSPs with an ability to compare NBN Co's industry performance to its WBA reporting.
- Extending and / or expanding certain proposed data requirement time intervals, to capture instances of inferior performance impacting end-users.
- Measuring additional data requirements related to the proposed metric. For example:
  - For connections (at items 1 and 3), instances of orders being placed in held status.
  - For faults and performance incidents metrics (items 7, 8 and 9), instances of tickets of work being unable to be resolved on the day.
  - Also for faults and performance incidents metrics (items 9 and 11), incorporating right-first-time aspects.
  - For the service transfers metric (item 5), capture reporting based on three types of service transfer categories, being service transfer, service transfer – connect outstanding and service transfer – reversals.
  - For the outages metric (item 14), instances of planned outages being rescheduled.
  - For the speed performance metrics (item 15 and 16), measure the actual performance of services being supplied to premises aligned with their purchased speed tier, to assess whether end-users / RSPs are receiving speeds in accordance with what they are paying.
  - For the FTTP upgrades metric (item 19): (a) capture forecast information related to stages of the program; (b) for connections, also measure performance on time to connect (i.e. similar to standards connections metric at item 1); and (c) capture instances where the existing services are subject to faults / performance incidents in association with this upgrade program.

Telstra has also highlighted some points of clarification for consideration within Appendix 1, which seek to ensure the basis upon which proposed metrics have been expressed / defined, is better understood. This will help inform whether NBN Co's actual performance could otherwise be different from what is being reported. For example, in measuring:

- Connection and fault appointment attendance (items 6 and 12), whether attempted attendance by NBN Co technicians prior to the scheduled appointment time or period, would fall inside / outside meeting the service level.
- Fault performance metrics (items 7 and 8), whether faults tagged by NBN Co as 'No Fault Found' and 'No Action Required' are in-scope.
- Recurring fault performance metric (item 11), clarifying what will constitute a recurring service fault (e.g. based upon each individual End User Fault Rectification, or multiple appointments per Trouble Ticket).
- Speed performance metric (item 15), clarifying the basis on which estimated premise speeds will be measured in instances where these premises are within the scope of the FTTP Upgrade program, but still connected on FTTC or FTTN.
- Network traffic delay performance metric (item 17), whether the proposed thresholds will apply equally to each access network type and clarifying on the points within the network to be measured.
- Shared network resource utilisation metric (item 18), clarifying the basis for how shared network utilisation will be measured, and how frequently measurement will occur to determine instances of the metric being exceeded.

Telstra also recommends the ACCC consider the inclusion of two additional service performance metrics within the NBN service performance RKR, being a metric for: (a) service requests; and (b) network availability. These are set out in Appendix 2 in this submission and are summarised as follows:

- A service request metric that will measure the time it takes NBN Co to resolve matters where RSPs are prevented from raising orders / tickets of work. RSPs instead need to raise these

requests to NBN Co to initially resolve, prior to being able to raise the originating request. This metric has direct impact on the end-user in terms of the time it takes before their originating request can be addressed.

- A network availability metric will measure the percentage of time the NBN is available and operating, inclusive of any planned outages which do not meet the service level under the WBA. Whilst NBN Co currently publishes network availability on its website[4], we are concerned that this current measurement excludes planned outages, in instances where RSPs are not provided with notice in accordance with NBN Co's service levels. Our proposal will therefore better reflect end-user experience and hold NBN Co to its service levels.

5.5   Aligning definitions of key terms in NBN Co's RKR with the WBA

The ACCC has advised, in developing the RKR, that it is proposing to use definitions of key terms such as connections, faults, outages, performance incidents / dropouts, currently used by NBN Co in its WBA.

Telstra agrees with the proposal to align definitions of key terms consistent with the WBA. The primary advantage is that this would provide for consistency between the whole of industry reporting to be made available by the ACCC in association with this proposed RKR, and individual RSP reporting provided by NBN Co under the WBA. Further, this consistency of approach will likely be of assistance to NBN Co in collating information at a whole of industry level.

In any event, in utilising definitions and key terms from the WBA, it will still be beneficial to set out those definitions and key terms within this RKR, including scope clarifications, to help ensure that the basis for measuring and reporting NBN Co's performance is clearly understood. The metrics will only be of value to the extent they provide a true reflection of the customer experience. As noted in section 5.4 above, Telstra has highlighted some points of clarification for consideration within Appendix 1 which seek to obtain further clarity on the proposed basis upon which NBN Co's performance will be measured. Further, Telstra would support changes to these proposed RKR definitions and key terms (or the associated metrics) in the future if it is identified that they do not accurately reflect NBN Co's true performance from a customer experience perspective.

5.6   Levels of disaggregation

Telstra agrees that the levels of disaggregation as proposed in Attachment A of the ACCC's consultation paper will allow for appropriate monitoring and transparency of service quality and performance. The ACCC has typically proposed to collect data disaggregated by access network type and geographic area.

In Appendix 1 of this submission Telstra has set out its assessment of the proposed disaggregation of each of the 21 items within Attachment A of the ACCC's consultation paper. There are some instances where Telstra has recommended the ACCC consider whether more granular or additional disaggregation could help improve transparency. For example:

- For connections related metrics (items 3 and 4) the ACCC has proposed that the disaggregation be based upon the access network type whereas Telstra has recommended that disaggregation is based upon Service Class.
- For the speed performance related metric (item 15) the ACCC has excluded the FTTP access network, whereas Telstra has recommended it be included and measured on a similar basis to the proposed HFC access network (i.e. services that cannot reliably attain the full ordered bandwidth data transfer rate).

---

[4] NBN Co, Monthly Progress Report, Network availability metric How we're tracking: December 2022 | nbn (nbnco.com.au)

5.7 Reporting frequency

Telstra is comfortable with the ACCC's proposal to produce bi-annual public reporting in June and December, with data to be segmented on a quarterly basis. Should the ACCC's public reporting consistently highlight there are systemic issues in NBN Co's service performance which are leading to poor end-user outcomes, it may be appropriate for the ACCC to consider increasing the frequency of its public reporting for those specific areas (noting follow-on implications for NBN Co's reporting). This reflects that any ongoing systemic issues will need close monitoring through to resolution.

6 Other relevant matters

6.1 Importance of public reporting

Telstra considers that, whilst the ACCC's own monitoring processes will provide an important incentive for NBN Co to promptly address any issues identifiable that are through its performance data collected / reported, the proposed public reporting will provide an equally important incentive. This is because Telstra and other RSPs, together with other interested external stakeholders, want the opportunity to review NBN Co's performance at an industry level and to advocate with both NBN Co and the ACCC, on any necessary improvements where performance issues are identifiable. For RSPs, the ability to compare NBN Co's performance at an industry level rather than as an individual WBA customer, is also an important consideration because it will assist in identifying whether an issue is something that needs to be addressed at an individual RSP or industry level.

We also consider that public reporting will be beneficial to NBN Co in helping the community and market to understand where the future focus areas to improve service quality are. It will therefore help NBN Co justify Opex and Capex forecasts linked to service quality improvements for future regulatory periods.

6.2 Timing of RKR implementation and initial reporting

Telstra seeks that this RKR, and associated reporting arrangements, be put in place as soon as possible. Telstra considers that it would be reasonable to expect that the requirements of this RKR could be implemented by NBN Co by at least by 1 July 2023. This is consistent with the ACCC's proposal to make the final RKR for NBN Co in mid-2023. In the event there are some requirements that will take longer for NBN Co to implement, it would be reasonable for them to work with the ACCC on obtaining an interim forbearance for these items. The ACCC advised in January 2023 that 'any public reporting that could be enabled through a RKR would not be expected to be implemented until 2024'.[5] Ideally, the ACCC should prioritise the publication of its initial public report on NBN Co's service quality and network performance (presumably) covering the July to December period, in early 2024.

6.3 Need for ongoing flexibility

It will be important that this RKR for NBN service performance be sufficiently flexible and responsive, to be able to incorporate any required amendments or new metrics in the future. This could come about because of changes in the service levels NBN Co makes available under WBA or is required to make under the SAU. For example, the appropriateness of the proposed data requirements in Attachment A of the ACCC consultation paper may require review and amendment:

- Outages (metric 14) should be subsequently reviewed in association with any changes to NBN Co's outage management processes and service levels, which are currently being evaluated by a Communications Alliance working group.

---

[5] ACCC Consultation paper, Proposed variation to the NBN Co Special Access Undertaking (23 January 2023), page 66 NBN Co SAU variation - Consultation paper.pdf (accc.gov.au)

- Shared network utilisation (metric 18) should be subsequently reviewed in association with any changes to NBN Co's network utilisation commitment, (e.g. NBN Co's proposal within its November 2022 SAU supporting submission to amend the utilisation commitment to a 90% threshold).[6]

In addition to the above, Telstra is setting out suggestions in our submission to the ACCC consultation paper relating to NBN Co's SAU variation proposal, where that other consultation paper addresses proposed service levels.[7] For clarification, our assessment in Appendix 1 of this submission has been prepared with regard to NBN Co's WBA service levels that are current as at January 2023 and therefore has not assumed those changes will be implemented.

Alternatively, additional metrics may be required within this RKR in the future, should the ACCC become aware of additional issues related to NBN Co's service levels, which either do not currently exist or are not yet identified.

---

[6] nbn Special Access Undertaking Variation 2022 – Supporting submission, Part C: Non-Price Terms (November 2022), section 10.5.1, page 23 NBN Co - SAU supporting submission - Part C Non-price terms - 2 December 2022.pdf (accc.gov.au)

[7] ACCC Consultation Paper, Proposed variation to the NBN Co Special Access Undertaking (January 2023), Section 5.11.1.2. Benchmark service standards for the first regulatory cycle https://www.accc.gov.au/regulated-infrastructure/telecommunications-and-internet/national-broadband-network-nbn-access-regulation/nbn-co-sau-variation-november-2022/consultation-paper

Appendix 1: Detailed feedback on Attachment A of the consultation paper

Note: the assessments below have been prepared with regard to NBN Co's WBA service levels current as at January 2023. Therefore our assessment and feedback does not take into consideration NBN Co's proposal in its SAU variation proposal to incorporate baseline service levels, or any recommendations Telstra will make for an uplift to those baseline service levels, in association with our separate forthcoming submission in response to the ACCC's consultation. [8] The proposed service aspects, metrics, disaggregation and data requirements listed below, will need to be considered in regard to any subsequent changes to NBN Co's service levels arising from the SAU variation process (and / or in respect of any updates to the WBA, for which NBN Co is also currently conducting a consultation with access seekers [9]).

1. **Time taken to connect premises:**

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Standard connections	Supportive
Proposed Service Metric	The number of days it takes NBN Co to connect premises.	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below (e.g. percentage of connections that were completed on time in accordance with current WBA service levels and also Held orders).
Possible Disaggregation	Geographic location and Service Class	Supportive.
Proposed Data Requirements	Split between connections requiring and not requiring NBN Co technicians: • Total number • Number per time intervals • Average time	Generally support. The following suggestions for consideration seek to further enhance the transparency of performance: • Align the proposed time intervals to be measured with current WBA service levels, to enable comparability across industry. • Include additional time intervals beyond what is currently proposed, for greater transparency of instances of poor end-user outcomes (e.g. 20+ BDs, 30+ BDs and 60+ BDs).

---

[8] ACCC Consultation Paper, Proposed variation to the NBN Co Special Access Undertaking (January 2023), Section 5.11.1.2. Benchmark service standards for the first regulatory cycle https://www.accc.gov.au/regulated-infrastructure/telecommunications-and-internet/national-broadband-network-nbn-access-regulation/nbn-co-sau-variation-november-2022/consultation-paper

[9] NBN Co, NBN Co releases latest Wholesale Broadband Agreement Consultation Paper to industry: NBN Co releases latest Wholesale Broadband Agreement Consultation Paper to industry | nbn

		- Include an additional reporting category to capture the percentage of connections that were completed on time in accordance with current WBA service levels. Note: in instances where RSP / end-user elects to book an appointment which is not the first available appointment and the selected appointment falls outside of the current WBA service level, the service level should be based on whether connection was achieved by the appointment date. - Include an additional reporting category for any Connection requests that NBN Co placed into the Held category (i.e. required remediation) and measure the average time to resolve.

2. **Time taken to connect premises for medically vulnerable consumers:**

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	PA connections	Supportive
Proposed Service Metric	The number of days it takes NBN Co to connect premises for medically vulnerable consumers.	Supportive. Note: there is an additional related reporting category suggested in feedback on Proposed Data Requirements below.
Possible Disaggregation	Access network type	Supportive. Note: NBN Co only provides PA connections for one specific Service Class per access network type. If NBN Co does start offering PA connections for additional Service Classes within the same access network type, it may be appropriate to disaggregate based on Service Class.
Proposed Data Requirements	Total number and Number per time intervals	Generally support. The proposed time intervals correspond to current WBA service levels. The following suggestions seek to further enhance the transparency of performance: - Include additional time intervals beyond what is currently proposed (i.e. currently 48+ hours), for greater transparency of instances of poor end-user outcomes. - Include an additional reporting category to capture the percentage of connections that were completed on time in accordance with current WBA service levels. Note: in instances where RSP / end-user elects to book an appointment which is not the first available appointment and the selected

		appointment falls outside of the current WBA service level, the service level should be based on whether connection was achieved by the appointment date.

3. Time taken to connect premises for RSPs who request a faster connection time

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Accelerated Connections	Supportive
Proposed Service Metric	The number of days it takes NBN Co to connect premises for retail service providers requesting faster connection of services.	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below.
Possible Disaggregation	Access network type	Recommend disaggregation also include geographic location and Service Class to align and provide comparability with NBN Co's service levels per the current WBA.
Proposed Data Requirements	Total number and Number per time intervals	Generally support. The following suggestions seek to further enhance the transparency of performance: • Align the proposed time intervals to be measured with current WBA service levels, to enable comparability (e.g. 4 BDS for Major Urban, 9 BDs for Major Rural, 14 BDs for Minor Rural). • Include additional time intervals beyond what is currently proposed (i.e. currently 11+ BDs), for greater transparency of instances of poor end-user outcomes. • Include an additional reporting category to capture the percentage of connections completed on time in accordance with current WBA service levels. Note: in instances where RSP / end-user elects to book an appointment which is not the first available appointment and the selected appointment falls outside of the current WBA service level, the service level should be based on whether connection was achieved by the appointment date. • Include an additional reporting category for any Connection requests that NBN Co placed into the Held category (i.e. required remediation), and measure based on average time to resolve from this status.

4. **Effectiveness of equipment installations and connections / activations of premises**

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	'Right-first-time' installations and connections	Supportive
Proposed Service Metric	The number of network installations and service activations requiring follow up work or experiencing a fault shortly thereafter.	Supportive. Note: this item contains references to installations, connections, and activations. Although the Proposed Data Requirements focus on installations and connections, rather than activations.
Possible Disaggregation	Access network type and Geographic location	Recommend disaggregation be based up geographic location and Service Class, to provide additional transparency.
Proposed Data Requirements	Split between new connections and new installations: • Total number • Number per time intervals	Generally support. Request clarification of the following to better understand how information is proposed to be collected / reported: • Basis for recognising a 'new installation' and a 'new connection'. • Basis for recognising 'follow-up work' for new installations. • Basis for recognising 'faults' for new connections. For consideration in seeking to further enhancing the transparency of performance, recommend splitting the proposed time interval of 'within 5 BDs' to provide additional transparency (e.g. disclose based on within 1, 3, 5 BDs).

5. **Time taken to transfer an NBN service from one retail service provider to another**

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Service transfers	Supportive.
Proposed Service Metric	The number of days taken by NBN Co to transfer services from one provider to another.	Supportive. Note there is an additional related reporting category suggested in Proposed Data Requirements below.
Possible Disaggregation	Access network type	Supportive. Disaggregate by Service Transfer request type.

| Proposed Data Requirements | Total number and Number per time intervals. | Generally support.

The following suggestions seek to further enhance the transparency of performance:
• Include and split all Service Transfer request types on the number of service transfers and associated time intervals, in association with each of the three categories as follows:
   ○ Service Transfer
   ○ Service Transfer – Connect Outstanding
   ○ Service Transfer – Reversal
• Include an additional reporting category to capture the percentage of service transfers completed with on time in accordance with current WBA service levels (e.g. 1 BD). |

6. Connection appointment punctuality

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Connection appointment keeping timeframes	Supportive.
Proposed Service Metric	The number of connection appointments that meet NBN Co's WBA service levels.	Supportive. Note: there is an additional related reporting category suggested in Proposed Data Requirements below. Request clarification on whether attempted attendance by NBN Co technicians prior to the scheduled appointment time or period, would fall inside / outside meeting the service level. Attempted attendance prior to the appointment time or period can impact end-user experience. Current WBA considers an appointment met during the window or (15 minutes prior or thereafter)
Possible Disaggregation	Access network type and Geographic location	Supportive.
Proposed Data Requirements	Split between connection appointments within a particular and specific timeframe: • Total number • Number met, not met, or rescheduled	Generally support. The proposed time intervals align to WBA service levels for End User Fault rectification appointments. The following suggestions seek to further enhance the transparency of performance: • Between Standard and Accelerated Connections as well as Service Class.

		• Include an additional reporting category to capture the percentage of appointments attended on-time on time in accordance with current WBA service levels. • For 're-scheduled appointments to a future date', include an attribution to either NBN Co or to the RSP (inclusive of the end-user) to better understand the driver.

7. Faults frequency and time taken to repair

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	End-user faults and rectifications	Supportive
Proposed Service Metric	The number of end-user faults and how long it takes NBN Co to fix these	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below. Request clarification on whether reporting of faults will include those tagged by NBN Co as 'No Fault Found and No Action Required', as inclusion / exclusion will impact performance metric.
Possible Disaggregation	Access network type and Geographic location	Supportive
Proposed Data Requirements	Split between faults requiring and not requiring NBN Co technicians: • Total number • Number per time intervals	Generally support. The following suggestions seek to further enhance the transparency of performance: • Align the proposed time intervals with NBN Co's current End-User Fault Rectification WBA service levels, to enable comparability. • Include additional time intervals beyond what is currently proposed, for greater transparency of instances of poor end-user outcomes (e.g. extending time intervals out to 10+, 20+ and 30+ BDs). • Include an additional reporting category to capture the percentage of faults completed with on time in accordance with the current WBA service levels, to capture overall performance.

		• Include an additional reporting category relating to total number of faults unable to be resolved on the day and requires either (a) additional visits to resolve, or (b) placed in Remediation (as per definition in the WBA).

8. **Time taken to repair service faults for medically vulnerable consumers**

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	PA faults	Supportive
Proposed Service Metric	The number of service faults for medically vulnerable consumers and how long it takes NBN Co to fix these.	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below. Request clarification on whether reporting of faults will include those tagged by NBN Co as 'No Fault Found and No Action Required', as inclusion / exclusion will impact performance metric.
Possible Disaggregation	Access network type	Recommend additional disaggregation be based upon Access Network type and geographic location as per item 7 above.
Proposed Data Requirements	Split between PA faults requiring and not requiring NBN Co technicians: • Total number • Number per time intervals	Generally support. The proposed time intervals correspond to current WBA service levels. The following suggestions seek to further enhance the transparency of performance: • Include additional time intervals beyond what is currently proposed, for greater transparency of instances of poor end-user outcomes. • Include an additional reporting category to capture the percentage of faults completed with on time in accordance with current WBA service levels, to capture overall performance. • Include an additional reporting category relating to total number of faults unable to be resolved on the day and requires either (a) additional visits to resolve, or (b) placed in Remediation (as per definition in the WBA).

9. Time taken to repair services with performance incidents

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	End-user performance incidents	Supportive
Proposed Service Metric	The number of services meeting NBN Co's performance incidents thresholds and how long it takes to fix these in accordance with NBN Co's WBA service levels. Services subject to NBN Co's performance incidents service level arrangements apply to those on the FTTN and HFC networks.	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below. Note also: whilst the FTTC access network type is not currently in scope, this may change in the future upon NBN Co introducing their 'FTTC Performance Incident framework'.
Possible Disaggregation	Access network type and Geographic location	Supportive
Proposed Data Requirements	Total number of services with performance incidents, split out by various conditions	Generally support. The following suggestions seek to further enhance the transparency of performance: • Recommend expanding the measurement period 'in the previous 12 months' for greater transparency of instances of poor end-user outcomes and the right-first-time objective (e.g. within 7 days, 60 days, 120 days, 6 months, 12 months). • Include additional time intervals beyond what is currently proposed, for rectification timeframes exceeded, for greater transparency of instances of poor end-user outcomes (e.g. 10+, 20+, 30+ BDs). • Include additional reporting category to capture the percentage of performance incidents completed on time in accordance with current WBA service levels, to capture overall performance. • Include an additional reporting category relating to total number of faults unable to be resolved on the day and requires either (a) additional visits to resolve, or (b) placed in Remediation (as per definition in the WBA). • Include an additional reporting category to capture total recurring performance incidents not resolved, which go on to meet the threshold for a fault.

10. Time taken to repair network infrastructure faults that affect multiple products

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Network faults	Supportive
Proposed Service Metric	The number of network faults and how long it takes NBN Co to fix these.	Supportive.
Possible Disaggregation	Access network type and Geographic location	Supportive
Proposed Data Requirements	Number of network faults and split across: • The volume of services impacted. • Rectified within time intervals	Supportive.

11. Number of recurring service faults

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Recurring service faults	Supportive
Proposed Service Metric	The number of services experiencing recurring faults in a certain period.	Supportive. Request clarification on what will constitute a recurring service fault for purpose of this metric (e.g. based upon each individual End User Fault Rectification, or multiple appointments per Trouble Ticket).
Possible Disaggregation	Access network type and Geographic location	Supportive
Proposed Data Requirements	The total number of services experiencing faults based on volume thresholds subject to a specific time interval as follows: • 3+ faults in any 60-day period • 4+ faults in any 12-month period	Supportive. Further, in seeking to enhance the transparency of performance, consider including an additional reporting category relating to the right-first-time objective, to capture instances where the initial fault resolution was not correctly performed (e.g. within 7 days).

12. Fault appointment punctuality

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Fault rectification appointment keeping timeframes	Supportive
Proposed Service Metric	The number of fault rectification appointments that meet NBN Co's WBA service levels.	Supportive. Note: there is an additional related reporting category suggested in Proposed Data Requirements below. As per item 6, request clarification on whether attempted attendance by NBN Co technicians prior to the scheduled appointment time or period, would fall inside / outside meeting the service level. Attempted attendance prior to the appointment time or period can impact end-user experience.
Possible Disaggregation	Access network type and Geographic location	Supportive
Proposed Data Requirements	Split between rectification appointments within a particular and specific timeframe: • Total number • Number met, not met, or rescheduled	Generally support. Proposed time intervals align to WBA service levels for End User Fault rectification appointments. The following suggestions seek to further enhance the transparency of performance: • Include an additional reporting category to capture the percentage of appointments attended on-time on time in accordance with service levels per the current WBA. • Further splitting-out 're-scheduled appointments to a future date' to include attribution to either NBN Co or to the RSP/end-user.

13. Service stability / dropouts

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Dropouts	Supportive
Proposed Service Metric	The number of services experiencing a minimum number of dropouts, the duration of dropouts and how long NBN Co takes to fix these.	Supportive. Note: there is an additional related reporting category suggested in Proposed Data Requirements below.

Possible Disaggregation	Access network type and Geographic location	Supportive
Proposed Data Requirements	Split between total number of services experiencing dropouts: • Intervals for number of dropouts exceeding 30 seconds within a day • Intervals for length of dropout, where the number of dropouts exceed 5 or more	Generally support. In seeking to further enhance the transparency of performance, consider including an additional reporting category covering the number of services impacted by a dropout across consecutive days (e.g. 2, 3, 5, 10 days etc.).

14. Number of planned and emergency outages

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Outages	Supportive.
Proposed Service Metric	The number of intentional outages (planned + emergency), the duration of outages, the approximate number of services impacted by outages and notification timeframes for providers.	Supportive. Note: there is an additional related reporting category suggested in Proposed Data Requirements below.
Possible Disaggregation	Access network type and Geographic location	Supportive.
Proposed Data Requirements	Split between planned and emergency outage: • Total number of outages • For each outage: number of services impacted, duration, time window, provision of notice to RSPs In addition, for planned outages: • Whether occurred within proposed scheduled window per RSP notice • Number of services experiencing recurring outages in the last 12 months.	Generally support. The following suggestions seek to further enhance the transparency of performance: • For 'whether the outage started and finished within', recommend expanding the time intervals beyond 3+ days, as some outages can run for more than this maximum timeframe (e.g. network upgrades). • For 'services experiencing recurring outages', recommend expanding the measurement period 'in the last 12 months' for greater transparency to include (e.g. within 1 month, 3 months, 6 months, and 12 months). • Recommend inclusion an additional reporting requirement, being the number of outages that were rescheduled by NBN Co within the period (e.g. no times, 1 time, 2 times, 3+ times). Please note: the appropriateness of the Proposed Data Requirements, should be subsequently reviewed in association with any changes to NBN Co's outage management processes / service levels which are currently being evaluated in a Communications Alliance working group.

15. Speed performance: copper and HFC networks

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Network speed capability	Supportive
Proposed Service Metric	Information on attainable download and upload speeds of NBN Co's services provided over copper and HFC networks. Estimated – The estimated number of premises at which NBN Co has made available its Fixed Line Network capable of achieving the maximum data transfer rate. Actual – The number of premises at which NBN Co supplied an Ordered Product over its Fixed Line Network capable of achieving the maximum data transfer rate.	Supportive. We recommend performance measurement also include FTTP access network type to provide full transparency of NBN Co's network. Note: there are additional related reporting categories suggested in Proposed Data Requirements below.
Possible Disaggregation	Access network type and Geographic location	Supportive. Although we recommend the proposed disaggregation also include the FTTP access network type, on a similar basis to what is proposed for the HFC access network, to provide full transparency across NBN Co's fixed network.
Proposed Data Requirements	Fixed line speed capabilities (FTTB, FTTC and FTTN): • Number of 'estimated' premises capable of achieving a maximum data transfer rate allocated within a range. • Number of 'actual' premises capable of achieving a maximum data transfer rate allocated within a range (downlink and uplink). Fixed line speed capabilities (HFC): • number of services that cannot reliably attain the full ordered bandwidth data transfer rate (downlink and uplink)	Generally support. The following suggestions seek to further enhance the transparency of performance, and whether end-users and RSPs are receiving speeds in accordance with their expectations and what they are paying to NBN Co: Fixed line speed capabilities (FTTB / FTTC / FTTN): For 'actual' premises: • Recommend the measurement of the maximum uplink and downlink transfer rates occurs in association with the applicable speed tier on which the Ordered Products are supplied by NBN Co. • Include an additional reporting category to assess proportion of services on each speed tier capable of reaching maximum uplink and downlink transfer rates aligned to their speed tier. For 'estimated premises': • Seeking clarification on the basis those premises being supplied with Ordered Products on FTTN and FTTC access networks, who are in-scope

		for NBN Co's FTTP Upgrade program, will be measured (i.e. is this based on the current fixed line technology or the technology that is available at the site despite not being connected).
		Fixed line speed capabilities (HFC):
		• Recommend also include the FTTP access network, and to align reporting with the HFC Access network, to provide full transparency of the NBN.
		• Recommend the measurement of the services that cannot reliably attain the full ordered uplink and downlink transfer rates occurs in association with the applicable speed tier on which the Ordered Products are supplied by NBN Co.
		• Include an additional reporting category to assess proportion of services on each speed tier that cannot reliably attain the full ordered bandwidth data transfer rate, aligned to their speed tier.

16. Speed performance: fixed wireless networks

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Network speed capability on NBN Co's fixed wireless network	Supportive
Proposed Service Metric	Information on the attainable download and upload speeds and traffic performance during average busy hour relating to NBN Co's Fixed Wireless cell network.	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below.
Possible Disaggregation	None (due to being a single access technology)	Supportive
Proposed Data Requirements	• Percentage of fixed wireless cells with an average monthly busy hour cell performance within a range of downlink and uplink performance categories • Average number of hours a day cells spent within a range of downlink performance categories • Percentage of NBN Co Wireless Network cells connected to backhaul transmission links with	Generally support. The following suggestion seeks to further enhance the transparency of performance and whether end-users and RSPs are receiving services in accordance with their expectations and what they are paying to NBN Co: • Include an additional reporting category to assess proportion of services on each speed tier capable of reaching maximum uplink and downlink

	an average busy hour link packet loss of less than 0.25% • Additional volume information for Fixed Wireless cells and backhaul links, including congestion.	performance aligned to their speed tier (i.e. current metric only focuses on fixed wireless cells, not services in operation).

17. Network traffic delay performance

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	NBN Co traffic delay	Supportive.
Proposed Service Metric	NBN Co's network performance regarding data delays.	Supportive.
Possible Disaggregation	None	N/A
Proposed Data Requirements	Number of exceedances of traffic frame delay variation equal to or above 3 / 5 milliseconds on the fixed line network during the busy hour period (7.00pm – 11.00pm).	Supportive. Request clarification on the proposed basis for measuring the traffic frame delay variation on NBN Co's network in relation to the following: • That the proposed threshold will apply equally to each access network type on NBN Co's network. • The points in the network to be measured (e.g. from the User Network Interface to the Network-to-Network Interface). • Measurement will be based on actual traffic, as opposed to synthetic or test traffic.

18. Shared network resource utilisation

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Shared network resource utilisation	Supportive.
Proposed Service Metric	The number of times NBN Co's shared network resource exceeds a certain threshold and the duration of time for which the threshold is exceeded.	Supportive. Request clarification on whether reference to NBN Co's shared network resource applies to the transit link only, or the entire whole shared network. NBN Co's November 2022 SAU supporting submission advises that the shared network resource

		would only apply to the extent it is within the transit link.[10] There is however additional shared network resource that is not within the transit link. Please note: the appropriateness of the Proposed Data Requirements should be subsequently reviewed in association with any changes to NBN Co's network utilisation commitment. For example, NBN Co's proposal within its November 2022 SAU supporting submission was to implement a 90% threshold.[11]
Possible Disaggregation	Access network type and Geographic location	Supportive.
Proposed Data Requirements	- The number of times a shared network resource exceeded a utilisation threshold of 70%, 90% and 95% - For each instance where the utilisation threshold is exceeded (per the WBA or SAU), the average number of BDs to return the utilisation of the relevant shared network resource below the utilisation threshold.	Supportive. Request clarification on the proposed frequency in which this measurement of the shared network resource utilisation threshold would be undertaken by NBN Co.

19. Fibre to the Premises upgrades

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Fibre to the premises (FTTP) upgrade	Supportive
Proposed Service Metric	Progress of NBN Co's FTTP upgrade program.	Supportive. Note: there are additional related reporting categories suggested in Proposed Data Requirements below.
Possible Disaggregation	N/A	N/A noting this metric is specific to FTTP access network type.

---

[10] nbn Special Access Undertaking Variation 2022 – Supporting submission, Part C: Non-Price Terms (November 2022), section 10.5.2, page 24 NBN Co - SAU supporting submission - Part C Non-price terms - 2 December 2022.pdf (accc.gov.au)

[11] nbn Special Access Undertaking Variation 2022 – Supporting submission, Part C: Non-Price Terms (November 2022), section 10.5.1, page 23 NBN Co - SAU supporting submission - Part C Non-price terms - 2 December 2022.pdf (accc.gov.au)

| Proposed Data Requirements | Number of premises in the following stages of the FTTP upgrade program:
• Design
• Construction
• Passed
• Connected
• Active | Generally support.

The following suggestions seek to further enhance the transparency of performance:
• For the 'number of premises in the stages of FTTP upgrade program', it would be beneficial for service providers to obtain visibility around NBN Co's forecast volumes e.g. within the next Quarter and the following Quarter.
• For 'connected' premises, include an additional reporting like item 1 (e.g. average time to connect).
• It would be beneficial to also include an additional reporting category relating to the number / percentage of instances where an existing service is subject to a fault / performance incident in association with this upgrade program. |

20. Number of services where rebates are payable to RSPs

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	The number of services where rebates were payable to retail service providers	Supportive
Proposed Service Metric	Number of services for which an NBN Co rebate was payable under its WBA.	Supportive. Note: there is an additional related reporting category suggested in Proposed Data Requirements below.
Possible Disaggregation	Access network type	Supportive
Proposed Data Requirements	Number of services for which a rebate was payable by NBN Co across the various rebate categories. Number of services for which a rebate was capped (as applicable) for the various categories.	Supportive. Within reporting, inclusion of volumes assigned to each of the identified rebate category, would assist to provide transparency of specific areas where performance issues exist. To provide further transparency of performance, recommend inclusion of an additional data requirement related to the number, rebate category and reason, where a rebate was not paid that was otherwise eligible. This recommendation seeks to capture instances where NBN Co is not required to pay a rebate when WBA service level was otherwise not met (e.g. force majeure).

21. Corrective action

Category	Summary of ACCC proposal	Telstra position and any additional feedback
Proposed Service Aspect	Corrective action for the non-achievement of performance objectives	Supportive.
Proposed Service Metric	NBN Co's activities and performance to fulfil its corrective action objectives.	Supportive
Possible Disaggregation	Access network type	Supportive
Proposed Data Requirements	By service activity – connections, transfers, faults, and performance incidents.	Supportive

Appendix 2: Proposed additional metrics for consideration

1. Service requests

Category	Summary of Telstra proposal	Telstra position and any additional feedback
Proposed Service Aspect	Instances of additional requests raised to NBN Co by service providers requiring assistance.	Where such circumstances arise, the time it takes NBN Co to resolve these service requests have a direct impact on the end-user, in terms of waiting for their original request to be actioned (e.g. connection / fault rectification).
Proposed Service Metric	NBN Co's activities to resolve service provider requests raised as a result of not being able to raise orders or tickets of work.	N/A
Possible Disaggregation	Access network type and geographic location	Consistent with the other proposed service aspects / metrics above.
Proposed Data Requirements	By service request type – incorrect service address, incorrect Service Class, lack of appointment availability: • Volume; and • Average time to resolve.	N/A

2. Network availability

Category	Summary of Telstra proposal	Telstra position and any additional feedback
Proposed Service Aspect	Network availability.	It is important to understand the proportion of time that the NBN was up and running.
Proposed Service Metric	Percentage of time the nbn access network is available and operating.	As per above.
Possible Disaggregation	N/A	N/A
Proposed Data Requirements	Percentage of time the nbn access network is available and operating inclusive of planned outages where the notification provided did not meet the required service level or where the duration exceeded the proposed scheduled window.	Whilst NBN Co currently publishes network availability on its website, this current measurement excludes instances where the notification provided did not meet the required service level. Our proposal will therefore better reflect end-user experience and hold NBN Co to its service levels.

Appendix 3: Example comparable reporting obligations on Telstra

Reporting Obligation	Description
Regional Service Performance (as required by Telstra's CLC) data to the ACMA and DTIRDCA	Quarterly reporting on the level of performance in connecting and maintaining telephone services (e.g. fault rectification) over Telstra's networks in regional Australia and dealing with inquiries and complaints in relation to those services. The level of reporting required is highly granular at a per-service level.
CSG Retail Performance Benchmarks Compliance Report to the ACMA	Annual compliance report against CSG retail performance benchmarks including number of CSG services broken down into areas (e.g. urban, major, and minor rural and remote), and performance information relating to in-place connection requests, new connection requests, faults, or service difficulties, and the keeping of appointments.
PA Performance Report to the ACMA	Annual report which details the number of requests for PA, percentage of connections meeting service connection fulfillment objectives, number of requests for restorations and number of requests meeting restoration fulfillment objectives.
NRF Level 1: National and Regional Performance to the ACMA	Monthly data on the reliability of its services, at a national level and in 44 regions across Australia giving the percentage of: • percentage of services that do not experience a fault. • availability of services
NRF Level 2: Local Cable Performance to the ACMA	Telstra must identify the 40 lowest performing cable runs each month, assess them for 6 months and meet the targets to improve.
NRF Level 3: Individual Service Performance to the ACMA	The following reporting threshold exists for services experiencing: • More than 3 faults in any 60-day period. • More than 4 faults in any 365-day period. Telstra must report any services that breach thresholds below and take action to improve the reliability of services that do not meet these thresholds.
Broadband Speed Claims – ACCC industry guidance	Telstra (like other NBN access seekers) needs to put in place measurement arrangements to be able to assert its compliance with the ACCC's industry guidance, if required, in association with advertised broadband services (i.e. speed claims). Whilst performance to such measurements is not required to be proactively reported, the ACCC may request that Telstra justify / demonstrate evidence in support of advertised such speed claims.