

18th February 2021

Australian Competition and Consumer Commission

Via email: superfastbroadbandinquiry@acc.gov.au



Re: Superfast Broadband Access Service and Local Bitstream Access Service declaration inquiry

ACCAN thanks the ACCC for the opportunity to comment on the Superfast Broadband Access Service (SBAS) and Local Bitstream Access Service (LBAS) declaration inquiry draft decision.

ACCAN supports the ACCC's decision to declare wholesale Layer 2 fixed broadband service supplied over non-NBN networks. There is yet to be sufficient wholesale competition to ensure the long-term interests of end-users are protected nationally. As such, without the services being declared, consumers being served by LBAS and SBAS networks face a risk of monopolistic prices and limited retail provider choice.

Whilst we understand that at this current time there are no satellite or fixed wireless networks operating as local monopolies, ACCAN will continue to monitor the landscape, given that certain new developments can become exempt from providing fibre ready facilities,¹ in addition to the Statutory Infrastructure Provide (SIP) regime- there is always the possibility of a non-nbn fixed wireless network becoming a SIP and monopoly provider of broadband in an area.

On declaring the services, ACCAN recommends the ACCC review the 2017 Final Access Determination, as there is a need for the FAD to be updated and altered to better protect consumers being served by superfast broadband networks. In particular, ACCAN hopes to see the exemption of networks serving less than 12,000 residential premises from the Standard Access Obligations being removed from the FAD.

Yours Sincerely,

Megan Ward

Economic adviser

¹ *Telecommunications (Fibre-ready Facilities – Exempt Real Estate Development Projects) Instrument 2021*