

17<sup>th</sup> November 2017

Grahame O'Leary

Director, ACCC

Via: [grahame.oleary@acc.gov.au](mailto:grahame.oleary@acc.gov.au); [Elsbeth.philpott@acc.gov.au](mailto:Elsbeth.philpott@acc.gov.au);

ACCAN wishes to thank the ACCC for the opportunity to submit to its review of the *Audit of Telecommunications Infrastructure Assets – Record Keeping Rules 2013*. The ACCC's powers to collect information from industry have proven to be significantly beneficial for the operation of competitive telecommunications markets. These have helped to improve access to services for consumers and address competition barriers. ACCAN welcomes the proposed updates to this important Infrastructure RKR to continue to monitor the communications market as it is developing.

We note that this consultation was in part identified in the ACCC's *Measures to Address Regional Mobile Issues*. ACCAN is fully supportive of the Proposed Action number 3 in this document and this subsequent consultation.<sup>1</sup> While this revised RKR is needed, the other complementary proposed actions are also required in other for improvements to be fully noticed.

- **Question 3: Is it appropriate for the ACCC to include the larger SBAS and LBAS providers that meet the regulatory threshold of 12,000 services or more? Could OPENetworks PTY Ltd, OptiComm Co Pty Ltd, and Spirit Telecom Ltd be regarded as larger providers? Are there other providers that should be included?**

ACCAN supports the inclusion of larger SBAS and LBAS network providers in the RKR. These providers will operate as the Statutory Infrastructure Provider (SIP) if the Telecommunications Reform Bill is passed.<sup>2</sup> In fulfilment of this SIP obligation these networks will be providing network access to around half a million premises, and likely be the only network that connects these premises. It is vital that the ACCC has a complete picture of these providers and the infrastructure that they operate. It will also be useful as a comparison to the nbn network, to see if there are differences that are forming between the networks.

ACCAN believes that all networks that operate in fulfilment of the SIP should be included in this RKR, so would support the extension to other, smaller networks that are regulated under SBAS and LBAS.

---

<sup>1</sup> "Proposed action 3: We consider there is scope to use the existing Infrastructure RKR to improve the accountability of MNOs with regard to network investment. That is, to improve reporting on whether MNOs have undertaken planned investment. The ACCC intends to commence public consultation on amending the Infrastructure RKR in October 2017. Among other things, this will include a proposal that the Infrastructure RKR be amended to ensure consistency of data received from MNOs. In particular, this would enable the ACCC to report on changes to MNOs networks over the previous year, noting that such reporting would be general in nature, given confidentiality requirements in respect of data collected under RKR. However, and importantly, the ACCC will compare this information to announcements made by MNOs on an annual basis and seek further information where there are discrepancies between MNOs' public investment announcements and network improvements or expansions. We will then give further consideration to the form in which this information could be disclosed following consultation on proposed changes to the Infrastructure RKR."

<sup>2</sup> Telecommunications Reform Bill.

[http://www.minister.communications.gov.au/mitch\\_fifield/news/telecommunications\\_reform\\_package\\_to\\_ensure\\_all\\_australians\\_have\\_access\\_to\\_superfast\\_broadband#.Wg4HmHZx34Y](http://www.minister.communications.gov.au/mitch_fifield/news/telecommunications_reform_package_to_ensure_all_australians_have_access_to_superfast_broadband#.Wg4HmHZx34Y)

- **Question 5: Are there additional entities or infrastructure owners that should be included on the list of record-keepers?**

A number of consumers are turning to alternative Fixed Wireless providers who are offering competitive and quality services, particularly in regional Australia. It can be difficult to understand where these networks operate as they are often small and growing organically when opportunities present themselves.<sup>3</sup> There may, however, be scope to include some of them in this RKR. The infrastructure that they have developed may be strategically important. In addition having an understanding of the types of services these consumers use will give a greater understanding on the market in Australia.

- **Question 6: Are there any impediments to the provision of information by mobile operators?**

As the inquiry into domestic mobile roaming discovered, it is difficult to assess the claims of coverage and coverage extension by network operators. ACCAN supports the proposed changes to clarify the information that is sought by providers and ensure that there is consistency across all networks. The proposed information of extent of mobile coverage, location of each mobile site, technology used and frequency bands are all extremely useful. ACCAN believes the benefit from doing this will far outweigh any impediments from doing so, if any do exist.

- **Question 7: Should additional information be provided regarding mobile sites?**

ACCAN supports additional information, or the collection of information in a manner which aligns with other requirements. This will help avoid duplication of information requested and reduce costs of doing so. If this information could be shared with other regulatory bodies that matched their records and improved the regulatory process then there is benefit from doing so.

- **Question 8: In addition to mobile site location, technology type and spectrum used at each site, is there any other information mobile network infrastructure that could and should be provided to the ACCC to assist with its assessment of competition in markets?**

In our consultation with members during the mobile roaming inquiry, we heard from many rural and remote consumers about network congestion in the mobile networks. In addition a number of operators reported difficulty with co-locating on towers. ACCAN wonders if there is any scope in this RKR to record a capacity measure for mobile towers. This could be in terms of space to locate other equipment or share infrastructure that is in place. The ACCC has previously used RKR's to address competition concerns from competitors in gaining access to Telstra exchanges. Amendments to this RKR may also deliver increased transparency on barriers to infrastructure sharing. This may promote increased competition in regional, rural and remote areas.

It is not clear if the RKR will allow ACCC to gather information on co-location and sharing of mobile towers. We believe this is important factor for competition. If possible this information should also be gathered through this mechanism.

---

<sup>3</sup> ACCAN has listed 30 of them on our website. <http://accan.org.au/broadband/get-connected/adsl-solutions>  
Australian Communications Consumer Action Network (ACCAN)  
Australia's peak telecommunications consumer organisation  
Suite 4.02, 55 Mountain St, Ultimo NSW 2007  
Tel: (02) 9288 4000 | TTY: (02) 9281 5322 | Fax: (02) 9288 4019  
[www.accan.org.au](http://www.accan.org.au) | [info@accan.org.au](mailto:info@accan.org.au) | [twitter: @ACCAN\\_AU](https://twitter.com/ACCAN_AU)

- **Question 10: Should NBN Co and Telstra be required to provide more detailed geographic information on the extent of Customer Access Network (CAN) assets that includes Service Area Module (SAM) and Exchange Serving Area (ESA) boundary information?**

ACCAN supports the inclusion of detailed geographic information, as we can see that there would be merit from doing so. The ACCC should easily be able to identify the rollout regions and the decommissioning of Telstra copper services.

We note that ESA is not currently defined in the interpretation section of the RKR, but may need to be.

Yours sincerely

A handwritten signature in blue ink that reads 'Rachel Thomas'.

Rachel Thomas  
Senior Policy Adviser