23rd February 2017

Australian Competition and Consumer Commission
Via email: scott.harding@accc.gov.au, nathan.sargent@accc.gov.au, nbn@accc.gov.au.

ACCAN would like to make an additional public submission to the ACCC on the Variation to NBN Co Special Access Undertaking (SAU). Our initial submission raised a number of points in relation to concerns about the proposed variations to the SAU.[1] We would like to provide additional points in relation to the withdrawal of construction rollout information and information provided through the online website address checker.

1 Rollout information

ACCAN is supportive of nbn having information on its website on an individual premises basis through the website address checker. This is unquestionably useful for consumers. However, information at an area aggregate basis and forward looking, such as the three year construction plan is also useful for consumer groups, like ACCAN, and small businesses in the area. As the Productivity Commission pointed out, the release of aggregate data has the "potential to make a marked difference to the range and volume of data available for decision making, innovative activity and improved service delivery in the community".[2]

ACCAN believes this is the case with the three year construction plan data. We have utilised the three year construction plan data (latest release from October 2015), to inform projects and distribution and tailoring of consumer information. Without this type of information from nbn made available publicly our ability, and no doubt that of other interested groups, to create and design resources which address information gaps or empower consumers will be hampered.

1.1 Inform innovative projects that address consumer gaps

Using nbn construction rollout data can be of benefit to consumers on a larger basis than just accessing individual addresses as it allows consumer groups to utilise it in other projects which address other information gaps. For example, in September 2016 ACCAN created a tool, 'Get Connected'[3], for consumers who are struggling to get a broadband connection. Consumers increasingly were presenting to us with this issue and had no information available on why they were unable to get a connection or how to overcome it. The Telecommunications Industry Ombudsman (TIO) has also reported that it receives a high number of enquiries from consumers about the unavailability or performance limitations of internet services due to a lack of

1ACCAN submission to ACCC SAU Variation, August 2016. https://accan.org.au/files/Submissions/ACCAN%20submission.pdf

2 Productivity Commission, *Data Access Draft Decision*. http://www.pc.gov.au/inquiries/current/data-access/draft/data-access-overview-draft.pdf

3 ACCAN, *Get Connected*. https://accan.org.au/broadband/get-connected

Australian Communications Consumer Action Network (ACCAN)
Australia's peak body representing communications consumers
PO Box 639, Broadway NSW 2007
Tel: (02) 9288 4000 | Fax: (02) 9288 4019 | Contact us through the National Relay Service
www.accan.org.au | info@accan.org.au | twitter: @ACCAN_AU | www.facebook.com/accanau

infrastructure.[4] To address these issues and provide consumers with a tool to help themselves the 'Get Connected' resource was created. There are two parts to the tool;

- The first part is an online map which estimates, on an area basis, if there are issues with connecting to a broadband network with a time slider to give consumers an idea of how long they will face this issue. It uses Telstra exchange data (which is available online and updated weekly), nbn rollout information (the most up to date three year construction plan from October 2015) and data from the Department of Communications My Broadband Availability and Quality analysis, to map areas which may face difficulties connecting to a broadband network.[5]

- The second part of the tool provides practical tips for consumers on alternative options that can be considered if they are not able to otherwise get a connection.[6]

This resource has proved to be very useful for consumers as it compiles a number of data sets in one place. The three associated webpages on the ACCAN website have all experienced heavy traffic; particularly the map tool which has had the highest number of unique views in one day of any ACCAN website content page since the inception of the organisation. It is important to note that the nbn data in this tool is used to rule out areas that should not face a lack of infrastructure issue, it is not an analysis of the nbn rollout itself. This is an innovative use of data to address an issue of availability of service.

ACCAN intended from inception of the Get Connected resource to update it regularly, as new data was released. In particular, we were conscious of how dated the nbn construction plan data would become and discussed this with nbn prior to launch of the resource. Updates of the resource have been postponed as we have waited to confirm when or if revised data from nbn would become available. nbn have been unable to confirm if they would supply the data needed by us to update the resource. As we want our resource to be useful and up to date, we have undertaken to update the map next month, March 2017. However, this will only be an update using the regularly updated and accessible Telstra data, as it is unlikely that nbn data will be available. We note that one reason given by nbn for not disclosing this information publicly is that they consider it to be commercial in confidence, yet Telstra on its website provides public information about each of its exchanges and when any upgrades are scheduled to occur, updated weekly. This lack of updated data from nbn puts our resource at serious risk of being outdated and providing inaccurate information to consumers. The updated information on the nbn website checker does not address this consumer information gap as it does not map against the other data

4 Ken Tsang, *ADSL Availability Report*. https://accan.org.au/files/Broadband/ADSL%20Availability%20Report.pdf

5 ACCAN, *ADSL Availability map*. https://accan.org.au/broadband/get-connected/adsl-underserved

6 ACCAN, *Six helpful steps if you can't get a broadband service*. https://accan.org.au/broadband/get-connected/adsl-solutions

sources. Without this resource consumers may continue to face uncertainty on how to address these infrastructure issues.

This is only one example of an innovative project that was able to be created using this data source. There are likely to be other examples and potential further uses of the data in meeting consumer needs, if it continues to be made available.

1.2 Distribution and tailoring of consumer information

ACCAN regularly provides information to consumers groups and media on a range of topics including nbn switch over. This includes one to one presentations, usually through our member groups or community groups where a dispersed number of consumers faced with a range of technology issues are present. These are often in areas that have yet to be ready for service and consumers are unsure how to prepare or what to expect. In preparation for these events and tailoring our information to these groups and media, we rely heavily on a range of resources, which has included the three year construction plan. As we are often unable to know exactly who will be in attendance, being able to understand what is happening and what will happen in the area into the future allows us to provide accurate information and to create and tailor resources that are applicable for the audience.

As we mentioned in our initial submission, we are aware that nbn have also previously used this information while presenting to community groups. If only nbn, and access seekers who have an agreement in place with nbn, are able to access this type of information, it limits consumer groups, local councils, members of Parliament, journalists, community leaders and associations and other interested parties to provide information to their local constituents. There is immense benefit to consumers from receiving information from these sources and not just nbn and access seekers. Consistent information and awareness raising from the community is needed to ensure a successful transition to the nbn.

There are also a range of issues which lie outside the scope of nbn to inform consumers of. The *Migration Assurance Policy* outlines a number of responsibilities for consumers in the transition, including; "informing themselves of the need to migrate, identifying equipment needed to migrate and arranging and covering costs associated with any additional upgrading of wiring or end user premises equipment that may be required".[7] Without informed consumer groups, community associations and other parties, consumers are unlikely to understand or be aware of the changes that come with the switch over or the responsibilities which are placed upon them in the transition. nbn and industry currently do not provide all of this specific information to consumers on a standard basis or address queries in relation to these issues. Therefore other bodies and groups are required to fill this gap. We are unable to do this unless there is a range of data publicly available on the rollout, including information that has been contained in the construction plan, and is not currently available to us through the website online address checker.

7 Department of Communications and the Arts, *Migration Assurance Policy Framework*, February 2016. https://www.communications.gov.au/publications/migration-assurance-policy-statement-framework

Aggregate and advance build information therefore is vastly beneficial for consumers in the long run through the uses that groups like ACCAN utilise it for. Changes to the availability of such useful information may in the long run undermine the switch over and may result in consumers being disconnected or having sub-optimal experiences. ACCAN therefore believes that there is a need for aggregate advanced construction information to be provided publicly by nbn. The ACCC should only accept a varied SAU if the provision of this information is included as a requirement.

2 Information on technology used in fixed line areas

ACCAN believes that a greater amount of information could be given to consumers through the website address tool which would aid their transition and long term use of the nbn network. In particular we believe there should be greater transparency over the technology which is being used to connect premises in fixed line areas. Consumers are only informed that they will be connected to a fixed line technology, fixed wireless technology or satellite technology. They are not provided with information on which technology will be used in the fixed line footprint (FTTP, FTTN/B or HFC).

2.1 How different technologies impact premises and services

There may be an assumption that the nbn network will look and function in the same manner in all fixed line locations, but this is not the case. There are a number of differences in the technologies which requires consumers to understand this information, for example:

- ***the number of data ports available*** (FTTP, Fixed Wireless and Satellite have four available data ports, FTTN/B and HFC have one available data port. This may be particularly important for consumers who require more than one plan at their premises, such as small businesses or house shares)
- ***devices required*** (e.g. if an Analogue Telephone Adapter is required for a phone handset to function over the network – this is needed for FTTN/B and HFC but not FTTP. Most of these devices are advertised as 'nbn ready', but they may function differently over the different fixed line networks)
- ***delivery of voice services*** (available through the UNI-V port in FTTP but through data port in the other technologies), and
- ***battery backup functionality across the technologies*** (FTTP has optional battery backup in the premises, other technologies may have some network resilience which combined with a Uninterruptible Power Supply device may ensure some connectivity in power outages, whereas other networks will not function in a power outage).

2.2 Why a consumer might need to know this information

There are many reasons why a consumer might need to know what the underlying technology is to understand the differences explained above:

2.2.1 Moving premises

There is a high level of movement among consumers in Australia. ABS previously found that 43% of people moved in the last five years.[8] The regular moving of consumers means that it is likely that consumers will move between technologies. Up to now consumers were aware, to a degree, of which technology a premises is connected to (ADSL, HFC etc.) so a consumer moving into a new premises could prepare for the move. This made things very simple for consumers as they understood how services and devices connected within the premises. Over nbn, however, they do not have access to this information and may not be able to adequately prepare.

When a consumer does move to a new premises they may bring their current 'nbn ready' modem with them expecting it to work over the nbn network in the new premises. This may not work due to a different underlying technology. As far as ACCAN is aware there are currently very few devices that work across all the fixed line technologies (FTTN/B, HFC, FTTP), most are specific to the technology type. Use of an 'nbn ready' modem which does not match the underlying technology would result in a lack of service for the consumer. Similar may occur with other devices and equipment. For example a consumer in an FTTP fixed line technology area moving to another fixed line technology may not realise that their handset, which worked over FTTP, will no longer work unless they purchase an ATA adapter. This kind of interruption of service may be very difficult for a consumer to trouble shoot by themselves.

Likewise the varying number of data ports may impact a moving consumer. If the consumer has a number of plans at their current premises (for example they have a plan for their small business which they run from home and a plan for their residential usage) they may face difficulties moving all of their plans with them. If they move to a premises which is serviced by FTTN/B or HFC fixed line technologies they will not be able to transfer all of their services. This may result in a lack of service or termination of some plans which may be inconvenient for the consumer. It may be possible to request additional services at the premises from nbn, but this may take some time to organise.

It is very important therefore that the consumer knows or can access information on the underlying technology which they are currently using and moving to. If a consumer is moving into a premises that is already connected to the nbn they will not receive information material from nbn on things to consider and how the service will function. This type of information is provided during the switch over period. The only way to ensure that consumers are able to engage and understand these differences is to ensure that information on the technology which the premises is connected to is available to them. The most appropriate place for this information is on the nbn website address checker.

8 ABS, *Moving House*. Release: 4102 Australian Social Trends, Dec 2010. http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features30Dec+2010

2.2.2 Purchasing equipment from third parties

If a consumer wishes to purchase devices from a third party source they may make incorrect purchases without knowing the technology that is used to connect their premises. This is not only important for the modem/router but also any battery backup options (UPS) and adapters that may be required for other equipment to work (such as an ATA for a handset).

2.2.3 Assisting relatives and friends

Many consumers need assistance or seek advice from friends and family members when switching to the nbn. This is particularly true for elderly relatives who may not be able to switch over by themselves. Helpful family members may assume that the set up will be the same as it is in their house as the website checker says "it is fixed line technology" so there may be no reason to consider that it would be different to the "fixed line technology" at their premises. This could result in incorrect equipment purchases, misunderstandings on battery backup options which could potential put vulnerable consumers at risk during power outages, and faulty or no services due to an incorrect set up.

In conclusion, ACCAN believes that it is in the interest of consumers to be presented with information on which technology is being used to connect premises in the fixed line technology in the website address checker.

Yours faithfully

Rachel Thomas
Policy Officer

Australian Communications Consumer Action Network (ACCAN)
Australia's peak body representing communications consumers
PO Box 639, Broadway NSW 2007
Tel: (02) 9288 4000 | Fax: (02) 9288 4019 | Contact us through the National Relay Service
www.accan.org.au | info@accan.org.au | twitter: @ACCAN_AU | www.facebook.com/accanau