



Australian  
Competition &  
Consumer  
Commission

# **Assessment of Telstra's revised Migration Plan**

**Final decision**

**June 2015**

© Commonwealth of Australia 2015

This work is copyright. Apart from any use permitted by the *Copyright Act 1968*, no part may be reproduced without prior written permission from the Commonwealth available through the Australian Competition and Consumer Commission. Requests and inquiries concerning reproduction and rights should be addressed to the Director Publishing, Australian Competition and Consumer Commission, GPO Box 3131, Canberra ACT 2601 or by email to [publishing.unit@acc.gov.au](mailto:publishing.unit@acc.gov.au).

[www.accc.gov.au](http://www.accc.gov.au)

# Contents

<b>Executive Summary</b> .....	<b>1</b>
<b>1 Introduction</b> .....	<b>3</b>
<b>2 Background</b> .....	<b>5</b>
2.1 Acceptance of the existing SSU and Migration Plan.....	5
2.2 Move to a multi-technology mix NBN and the revised Definitive Agreements	5
<b>3 Legislative framework</b> .....	<b>6</b>
3.1 ACCC’s role .....	7
<b>4 ACCC’s final decision and commencement of the revised Plan</b> .....	<b>8</b>
4.1 ACCC’s final decision .....	8
4.2 Commencement of the revised Plan .....	8
<b>5 Assessment of the revised Plan</b> .....	<b>9</b>
5.1 Compliance with the Migration Plan Principles.....	9
5.2 Suitability of the revised Plan to achieve the objective of minimising service disruption.....	9
5.3 Continued access to the voice band provided on the same terms and conditions as the ULLS.....	10
5.4 Process for disconnecting premises in FTTB and FTTN areas.....	12
5.5 Process for disconnecting premises in HFC areas.....	14
5.6 In-train order premises .....	15
5.7 Extended disconnection schedule for services used for fire alarms and lift phones .....	21
5.8 Required Measures and replacement Schedules.....	21
5.9 Potential consumer and competition issues that cannot be addressed through the Migration Plan .....	22
<b>List of acronyms and abbreviations</b> .....	<b>25</b>

# Executive Summary

The Australian Competition and Consumer Commission (ACCC) has approved the revised Migration Plan (**the revised Plan**) submitted by Telstra as it is satisfied that the revised Plan complies with the specific legislative requirements.

The Migration Plan is an important element of the structural reform of the telecommunications sector. It sets out the steps that Telstra will take to progressively migrate voice and broadband services from its copper and HFC networks to the NBN as it is rolled out across Australia.

Telstra submitted its revised Plan to the ACCC in March 2015. The Plan was revised following renegotiation of the Definitive Agreements between Telstra, NBN Co and the government. These commercial agreements were revised in December 2014, in light of the move to a multi-technology mix (MTM) rollout model adopted by NBN Co.

The ACCC was not requested to approve the revised Definitive Agreements and the statutory criteria for our assessment of the revised Plan did not include assessing the effect of the revised commercial arrangements between Telstra and NBN Co. Rather, the government has authorised the revised Definitive Agreements, which is broadly similar to the approach that the previous government took in respect to the original agreements.

The ACCC's mandate was limited to approving the revised Plan if it is consistent with the Specified Matters Instrument and the Migration Plan Principles (**the Principles**), or refusing to approve the revised Plan if it is not consistent. Both these instruments were revised by the government in January 2015 in anticipation of Telstra's request to vary its Migration Plan. Consequently, the ACCC's ability to address potential competition and consumer issues as part of its assessment of Telstra's revised Plan was very limited.

The ACCC requested feedback from industry on whether it should approve the revised Plan and sought views on a number of matters, including:

- whether the proposed changes to the disconnection arrangements for premises that are the subject of an outstanding NBN order at the disconnection date (**in-train order premises**) provide suitable assurance that consumers are not left without a service; and
- whether the proposed disconnection arrangements to apply where an in-use copper cable is used to connect a premise to the NBN will promote beneficial consumer and competition outcomes.

Optus, iiNet and the Australian Communications Consumer Action Network (ACCAN) provided submissions in response to the ACCC's discussion paper. Prominent views put forward were that:

- the revised in-train order provisions to protect premises from being disconnected while they are still waiting for their NBN order to be fulfilled are an improvement, but further protections are required;

- there is support for the proposed process whereby Telstra can disconnect a service in FTTB and FTTN areas when it is notified by NBN Co that the copper line at a particular premises has been cutover to the NBN, although it will need to be supported by clear operational processes and
- continued access to the voice band (enabling an end user to migrate their voice service at some time after their broadband service) may not be attractive for retail service providers (RSPs) and will pose some practical challenges.

The ACCC brought to Telstra's attention concerns raised in the course of the consultation process and requested Telstra to consider making several amendments to the in-train order provisions to benefit the consumer migration experience. In doing so, the ACCC sought to alleviate the negative impact of mandatory disconnection at premises which are yet to be connected to the NBN.

On 5 June 2015, Telstra submitted an amended version of its revised Plan to the ACCC for approval, which includes several minor amendments. The main change being to extend, on a temporary basis, the timeframes within which fire alarm and lift phones can be switched to the NBN before the lines over which they are supplied become subject to managed disconnection.

Telstra has not sought to resolve industry concerns in relation to the in-train order provisions as it considers that it is premature at this stage to make further changes to the process for managing the disconnection of in-train order premises as experience is needed before it can better understand what changes, if any, need to be made. The ACCC is disappointed by the position adopted by Telstra, but notes that Telstra has stated that it intends to consult further with the ACCC and industry in the coming months on whether it believes further changes to the definition of in-train order premises are required and, if so, the nature of those changes.

In addition, the ACCC notes that the government is expected to shortly release its Migration Assurance Policy (**MAP**) Statement, which will include assurance principles and high-level guidance regarding individual stakeholder roles. Under the revised Plan, Telstra is obliged to consider whether a variation is required to the Plan in order to provide for consistency with the MAP Statement.

The ACCC published a copy of the amended version of the revised Plan on its website, but did not receive any further submissions.

Now that it has been approved by the ACCC, the revised Plan will replace the current version of the Migration Plan and become part of Telstra's Structural Separation Undertaking. The revised Plan will come into force when each of the conditions precedent set out in the revised Definitive Agreements are waived or satisfied. Telstra will notify the ACCC in writing, and will advise its wholesale customers, upon Telstra becoming aware that this has occurred.

# 1 Introduction

This paper sets out the ACCC's final decision on the assessment of Telstra's revised Migration Plan (dated 5 June 2015) (**the revised Plan**).

The Migration Plan sets out the steps that Telstra will take to progressively migrate voice and broadband services from its copper and HFC networks to the NBN as it is rolled out across Australia. The ACCC approved Telstra's Migration Plan in February 2012 and it became part of Telstra's Structural Separation Undertaking (**SSU**).

Telstra lodged the revised Plan on 20 March 2015. Telstra proposed the changes to the Plan to reflect the revised Definitive Agreements between Telstra, NBN Co and the government. The Definitive Agreements were renegotiated in December 2014 to recognise the implementation by NBN Co of a multi-technology network rollout of the NBN.

On 1 April 2015 the ACCC published its *Assessment of Telstra's revised Migration Plan: Discussion Paper* (**discussion paper**). The discussion paper sought feedback from interested stakeholders on the revised Plan.

Submissions on the issues raised in the discussion paper were sought by 4 May 2015. Submissions were received from Optus, iiNet and ACCAN. The views raised in the submissions are discussed in Chapter 5 of this paper.

The ACCC brought to Telstra's attention concerns raised in the course of the consultation process and requested Telstra to consider making several amendments to the in-train order provisions to benefit the consumer migration experience.

Telstra submitted an amended version of its revised Plan on 5 June 2015 for ACCC approval, which includes the following minor amendments:

- amending clause 7.2(b) of the revised Plan that 'deems' the Disconnection Date for a rollout region to be consistent with the Definitive Agreements, which means there will only be one date each month on which all 'deemed' Disconnection Dates are set for rollout regions
- delaying the commencement of the order stability period in each region so that it is aligned with the new disconnection processes in the revised Plan and to ensure that the OSP does not prevent the reinstatement of services where an in-train order is place after the Disconnection Date and
- a temporary additional six month extension within which fire alarm and lift phone services can be switched to the NBN before the lines over which they are supplied become subject to managed disconnection.

Each of these amendments was made due to a shortcoming that Telstra self-identified in the Revised Plan. The ACCC published the amended version of the revised Plan, but did not receive any further submissions.

This decision paper is structured as follows:

- Chapter 2 provides relevant background information including the ACCC's acceptance of Telstra's existing SSU and Migration Plan, as well as the factors leading to Telstra lodging a revised Plan to the ACCC.
- Chapter 3 briefly discusses the legislative framework for the ACCC's decision.
- Chapter 4 states that the ACCC has decided to approve the revised Plan and notes when the changes will come into effect.
- Chapter 5 discusses the reasons for the ACCC's decision by exploring the most relevant issues and the views conveyed in submissions.
- A list of acronyms and abbreviations can be found at the end of the paper.

## 2 Background

### 2.1 Acceptance of the existing SSU and Migration Plan

In November 2010, the government introduced a legislative package to structurally reform the telecommunications industry and support the NBN. A key element of this package was to provide for Telstra to submit a voluntary undertaking to structurally separate.

In June 2011, Telstra, NBN Co and the government executed a number of commercial agreements (**Definitive Agreements**) which provided for Telstra to participate in the rollout of the NBN. The Definitive Agreements were conditional on the acceptance of a structural separation undertaking by the ACCC.

In July 2011, Telstra submitted a draft SSU and Migration Plan to the ACCC for acceptance. The ACCC assessed the SSU and the Migration Plan against the legislative criteria and accepted both in February 2012.

The Migration Plan sets out how Telstra will disconnect the specified services as a consequence of migration to the NBN. It also includes obligations to manage information obtained by Telstra from NBN Co and a commitment to develop certain operational processes (**Required Measures**) in the future.

### 2.2 Move to a multi-technology mix NBN and the revised Definitive Agreements

Following a change in government in 2013, NBN Co adopted a MTM rollout model, pursuant to which it will choose the network technology to deploy in each service area. The technologies include fibre-to-the-node (**FTTN**), fibre-to-the-building (**FTTB**) and hybrid fibre coaxial (**HFC**), as well as fibre-to-the-premises (**FTTP**).

To reflect the move to a MTM rollout model, Telstra, NBN Co and the Commonwealth agreed to a new set of Definitive Agreements in December 2014. The revised Definitive Agreements provide for Telstra to transfer ownership of its copper and HFC networks to NBN Co to facilitate the MTM model.<sup>1</sup> The revised Definitive Agreements also include a condition precedent that the ACCC approves a Migration Plan from Telstra that reflects the new MTM arrangements.

To support these changes, in January 2015 the Minister for Communications revised both the criteria against which the ACCC must assess the revised Plan and the instrument specifying what matters must be addressed in the revised Plan. In addition, the government has also initiated the Migration Assurance Policy (**MAP**) process in order to engage with industry to address issues which have surfaced in the initial migration of customers from Telstra's copper network onto the NBN.

---

<sup>1</sup> There are other aspects of the revised Definitive Agreements and commercial agreements which were revised as part of the shift to the MTM model. These are discussed briefly in the April 2015 discussion paper.



## 3 Legislative framework

The *Telecommunications Act 1997* (the **Telco Act**) creates the framework for the assessment of the revised Plan. Part 33 of the Telco Act sets out the regulatory framework for the structural separation of Telstra. Under section 577BC(1) of the Telco Act, Telstra may have a migration plan approved by the ACCC in order to implement its chosen form of structural separation.

The Migration Plan must be approved by the ACCC before it can operate. As the Telco Act does not permit the withdrawal of the existing Migration Plan, Telstra submitted the revised Plan as a variation for approval by the ACCC.<sup>2</sup>

The Telco Act states that a migration plan must comply with the Principles and the Specified Matters Instrument. These instruments were revised by the government in January 2015 in anticipation of Telstra submitting its revised Plan. The revised instruments incorporate extensive amendments to support the MTM rollout model and accommodate learnings from the rollout of the NBN to date and the renegotiated Definitive Agreements. The revised instruments can be found on the Department's website<sup>3</sup> and are discussed in more detail in the discussion paper.

### *Specified Matters Instrument*

The Specified Matters Instrument defines the scope of the Migration Plan, by specifying matters that provisions in the Migration Plan 'may' and 'must not' deal with. The effect of the instrument is to clarify the scope of the revised Plan to ensure that it is able to include provisions implementing the Principles. The ACCC must consider this instrument when assessing Telstra's revised Plan.

### *Migration Plan Principles*

In assessing the revised Plan, the ACCC must consider whether it complies with any Migration Plan Principles issued by the Minister pursuant to section 577BB.<sup>4</sup>

The Principles define the objectives and scope of a migration plan, and prescribe the way in which the migration plan can deal with certain issues. There are three different types of principles:

- general principles, which describe the overarching principles that must be met by the migration plan. These include equivalence and continuity of service objectives.
- specific principles, which provide further specificity regarding how some of the general principles are to be given effect in the migration plan.
- procedural principles, which set out the procedural provisions that must be included in the migration plan.<sup>5</sup>

---

<sup>2</sup> Telco Act, subsection 577BF

<sup>3</sup> [http://www.communications.gov.au/broadband/national\\_broadband\\_network](http://www.communications.gov.au/broadband/national_broadband_network)

<sup>4</sup> Telco Act, subsection 577BD(2) and subsection 577BDA(2).

<sup>5</sup> *Telecommunications (Migration Plan Principles) Determination 2015*, s.7(1)

### 3.1 **ACCC's role**

The ACCC's mandate in assessing the revised Plan is limited to:

- approving the revised Plan if it complies with the Principles and the Specified Matters Instrument or
- refusing to approve the revised Plan if it does not comply with the Principles and the Specified Matters Instrument.

The ACCC does not have discretion to seek changes to the revised Plan merely based on a preference for a particular approach. The ACCC is required to approve the revised Plan if it concludes that the revised Plan complies with the Principles.

The ACCC was not requested to approve the revised Definitive Agreements and the statutory criteria for its assessment of the revised Plan did not include assessing the effect of the revised commercial arrangements between Telstra and NBN Co. Rather, the government has authorised the revised Definitive Agreements, which is broadly similar to the approach that the previous government took in respect to the original agreements.

## 4 **ACCC's final decision and commencement of the revised Plan**

### 4.1 **ACCC's final decision**

Having considered submissions made in response to the ACCC's consultation process conducted pursuant to section 577BF(4) of the Telco Act, the ACCC has concluded that the revised Plan complies with all of the requirements under the Telco Act, including the Specified Matters Instrument and the Principles.

The ACCC has therefore decided to approve Telstra's revised Plan (as submitted on 5 June 2015) pursuant to section 577BF(3) of the Telco Act.

The revised Plan replaces the current version of the Migration Plan and becomes a part of Telstra's SSU.<sup>6</sup> This means that a breach of the revised Plan becomes enforceable as a breach of the SSU.

Chapter 5 of this paper discusses the reasons for the ACCC's approval and issues raised in the consultation process.

### 4.2 **Commencement of the revised Plan**

The revised Plan nominally commenced on the day it was approved by the ACCC. However, clause 4.1 of the revised Plan provides that the changes to the Migration Plan lodged by Telstra as part of this variation request (**the MTM Variations**) will not come into force until the Restatement Date. The Restatement Date is the date when all the conditions precedent in the Replacement Deed of Amendment and Restatement—which Telstra must enter into with NBN Co as per clause 4.3 of the revised Plan—have been satisfied or waived. Telstra will inform the ACCC and its wholesale customers upon becoming aware that the Restatement Date has occurred.<sup>7</sup>

The revised Plan further provides that the deferred commencement of the MTM Variations does not affect operation of other provisions of the revised Plan prior to the Restatement Date.<sup>8</sup> In practice, this means that the current version of the Migration Plan will remain in force until the Restatement Date.

---

<sup>6</sup> Telco Act, s 577BF(7)

<sup>7</sup> Revised Plan, clause 4.1(c)

<sup>8</sup> Revised Plan, clause 4.1(a)

## 5 **Assessment of the revised Plan**

### 5.1 **Compliance with the Migration Plan Principles**

The Principles contains a large number of specific and procedural principles that set out in some detail the approach that must be taken in dealing with a specified matter in the revised Plan.

Importantly for this assessment, where the revised Plan adopts the approach that is contained in a specific or procedural principle in respect to a matter, the revised Plan is to be taken to comply with all the Principles (including the general principles) in respect of that matter.<sup>9</sup>

The overwhelming majority of provisions that are contained in the revised Plan, including those provisions that were the subject of industry submissions, are provisions that were adopted from the specific and procedural principles.

The Principles also contain a number of general principles, which describe the overarching principles that must be met by a migration plan.

The general principles are relevant if the revised Plan does not accord directly with a specific or procedural principle, or if a matter is not dealt with at all by a specific or procedural principle. In that situation, the ACCC considered the matter in light of all the principles, including the general principles, and decided that those provisions of the revised Plan should be accepted.

### 5.2 **Suitability of the revised Plan to achieve the objective of minimising service disruption**

An important objective of the revised Plan is to promote continuity of service and minimise service disruption to the extent that it is in Telstra's control to do so.

#### 5.2.1 **Submissions received**

Both Optus and ACCAN questioned whether the Migration Plan to date has been successful in achieving its objectives such as service continuity.<sup>10</sup>

In particular, ACCAN referred to the number of complaints to the Telecommunications Industry Ombudsman (**TIO**) that related to NBN connections.

ACCAN expressed concern about consumers waiting significant periods before being connected to the NBN. In ACCAN's view, although the trend of these complaints was moderating to some extent, the existence of ongoing NBN connection issues posed

---

<sup>9</sup> Principles, Clause 8(2)

<sup>10</sup> Optus submission, page 4; ACCAN submission, page 1

significant risks to consumers having services withdrawn pursuant to the revised Plan before they had a working NBN service.<sup>11</sup>

Optus also noted that the objectives in clause 2.1 of the revised Plan have been amended to limit Telstra's responsibility. It queried whether these limitations would better facilitate the achievement of the broad objectives of the Migration Plan.

iiNet also referred to the regulatory concessions provided to Telstra in the Principles and contended that it was not necessary for Telstra to be given any regulatory concessions over and above those in the existing Migration Plan.<sup>12</sup>

Optus noted the complexity of the migration process and stated that new issues will almost certainly arise in the future. It recommended that the revised Plan should build in appropriate change management procedures.<sup>13</sup> In this context, it suggested that clause 31 (which requires Telstra to consult with NBN Co about relevant matters under the Plan) should also require Telstra to consult with RSPs regarding proposed changes to the Plan.

### 5.2.2 **ACCC views**

The ACCC is satisfied that the revised Plan is consistent with the Ministerial instruments in relation to this matter.

The effect of clause 8(2) of the Principles is that specific principles and procedural principles take precedence over general principles. That is, where a specific or procedural principle relates to a matter, the revised Plan will now be taken to comply with the Principles (including the general principles) in respect of that matter if it complies with that specific or procedural principle.

The ACCC agrees that it will be important for RSPs to be consulted in the course of any material changes to the revised Plan. In this regard, RSPs will continue to have an opportunity to comment on proposed changes to the Migration Plan. Although Telstra is only required to consult with NBN Co prior to proposing changes, RSPs are able to provide views before any changes can come into effect. Depending on the nature of the changes, this opportunity may be through the ACCC's assessment of requests to vary the Plan, the development of new or replacement Schedules (under clause 5.2 of the revised Plan), or through an industry working group that develops a Standard Industry Process for adoption by Telstra.

## 5.3 **Continued access to the voice band provided on the same terms and conditions as the ULLS**

In FTTN and FTTB areas, an end user can decide to migrate all of their voice and broadband services provided on a copper line to an FTTB-based or FTTN-based NBN service at the time in which NBN Co undertakes the jumbling work to connect the NBN service.

---

<sup>11</sup> ACCAN submission, page 3

<sup>12</sup> Ibid, page 2

<sup>13</sup> Optus submission, pages 4-5

Alternatively, if the consumer's service provider chooses to support it, an end user can elect to (temporarily) retain their existing legacy telephony service over the same copper pair used for the NBN service.<sup>14</sup> The legacy telephony service will be disconnected at the end of the migration period if not cancelled earlier during the migration window.

The Principles and the revised Plan contain provisions to ensure that Telstra's wholesale customers that use the ULLS are able to support this 'split migration' path for their customers, should they choose to do so. Where Telstra was previously supplying a wholesale customer with ULLS, clause 22(6) of the Principles states that Telstra must offer to continue to provide access to the voice band to supply carriage services to the premises after the copper wire has been connected to NBN Co's FTTN/FTTB node. Telstra's revised Plan adopts these requirements in clause 17.3, including the requirement for Telstra to supply the service on the same terms and conditions as applied to the supply of the ULLS immediately prior to the jumpering by NBN Co.

### 5.3.1 Submissions received

ACCAN considers that some consumers would value the opportunity to retain their legacy voice service.<sup>15</sup> For example, some consumers are likely to be concerned about whether their alarm services will effectively operate over the NBN or whether they will lose voice services in a power outage. However, ACCAN also recognised the risk that consumers may forget the need to migrate their voice service at a later date.

Optus and iiNet questioned whether RSPs would wish to make this service available to their customers.<sup>16</sup> iiNet noted that RSPs would be required to pay the price of a full ULLS and Optus noted that RSPs would need to pay access charges to both NBN Co and Telstra.

Both also pointed out a number of perceived shortcomings with the arrangements, including:

- lack of clarity regarding how the process for a voice band continuity service would work in circumstances where an end user wished to receive their NBN broadband services and their legacy voice services from different RSPs
- a concern that Telstra's supply of the voice band continuity service may not be subject to the SSU's equivalence protections and
- RSPs would be relying on NBN Co for some aspects of the voice band continuity service, yet NBN Co's service levels may not reflect the RSPs' commitments to their own customers.

### 5.3.2 ACCC views

The ACCC is satisfied that the revised Plan is consistent with the Ministerial instruments in relation to this matter.

---

<sup>14</sup> To this end, NBN Co will split the copper spectrum so that the NBN broadband service is provided through the higher band and the existing legacy telephony service can continue to be provided through the lower band.

<sup>15</sup> ACCAN submission, page 2

<sup>16</sup> iiNet submission, page 3; Optus submission, page 5

In their submissions, Optus and iiNet raised valid questions about the practicalities of offering this migration path to their customers.

Some of these concerns stem from the commercial terms on which RSPs gain access to the ULLS, as well as the commercial terms on which RSPs have supplied consumers that acquire bundled products. Possible steps to address these concerns would fall outside the scope of the revised Plan.

RSPs will need to keep their customers informed to ensure they do not forget to migrate their voice service at a later date.

A particular concern is that for those consumers who choose to migrate their NBN services with a different RSP to their legacy service provider, it will be difficult for the gaining NBN-based RSP to accurately advise the consumer on whether their existing service provider would continue to supply the legacy voice service. This is an issue that industry is addressing in the Communications Alliance working group working on industry arrangements for the migration of services in FTTB/FTTN areas.

The ACCC considers that the status of Telstra's voice band continuity service under the SSU is a matter to be determined under the SSU. In this regard, the ACCC considers that SSU equivalence obligations do attach to Telstra's supply of this service, as it would appear to satisfy the technical requirements of the service description of ULLS and hence be a regulated service for the purposes of the SSU.

#### **5.4 Process for disconnecting premises in FTTB and FTTN areas**

Clause 9 of the revised Plan provides information about how Telstra intends to disconnect copper and HFC services during the migration window. These provisions include the use of existing processes or generally accepted industry arrangements where available.

In its discussion paper, the ACCC noted that Telstra proposed to implement a new disconnection process in FTTN and FTTB areas to disconnect services supplied over copper paths upon NBN Co notifying it that the copper path had been cut over to the NBN.

The ACCC expressed the view that this new process had the potential to benefit consumers and competition, but that industry would need to develop and implement supporting arrangements.

Once the migration process has been developed, it will enable consumers in FTTB and FTTN areas to churn to a new RSP as part of their migration to the NBN. In the interim period, Telstra has proposed to suspend the 'cease sale obligations' in FTTB and FTTN areas for a short period of time.<sup>17</sup> This would provide end users with another pathway to migrate services with a new service provider, without having to separately manage the disconnection of services with their losing service provider. It

---

<sup>17</sup> Revised Plan, clause 17.6

enables an end user to transfer their existing copper-based services to a new service provider and for the new service provider to then migrate them to the NBN.

#### 5.4.1 Submissions received

ACCAN and Optus are supportive of Telstra being able to disconnect legacy services upon notification by NBN Co where the relevant copper line has been cutover to the NBN.<sup>18</sup> ACCAN considers that this streamlined process would be valuable given that there is confusion amongst consumers about who to contact about their migration to the NBN.

However, both also recognised that it would need to be underpinned by effective operational processes. Optus emphasised that any process would need to support equivalence between Telstra retail and wholesale customers. It also made recommendations concerning effective arrangements for notifications between both NBN Co and Telstra as well as between Telstra and wholesale customers.

ACCAN warned that these arrangements will need to ensure that where there are multiple services at a premises (e.g. a rented building with multiple tenants acquiring separate services), none of those services will be disconnected in error on the basis that one service had migrated to the NBN.

Due to the relatively low volumes of FTTB serviceable premises over the coming months, Optus also suggested that the cease sale obligations for both FTTB and FTTN be aligned to the same date. This would effectively defer the commencement of the cease sale rules in FTTB areas, and allow an alternate migration path for consumers in those areas that wish to select a different RSP for their NBN service.

#### 5.4.2 ACCC views

The ACCC is satisfied that the revised Plan is consistent with the Ministerial instruments in relation to this matter.

The ACCC is supportive of the development of an integrated migration process as end users that choose to migrate to the NBN with a new (gaining) service provider will be able to arrange, through that service provider, for their existing services to be disconnected on the activation of their NBN service and transfer of their phone number. In the absence of this integrated process, some of the consumers that choose to change service provider when migrating to the NBN would need to separately manage the disconnection of services.

In its discussion paper, the ACCC encouraged interested stakeholders to participate in the Communications Alliance working group that is considering the integrated migration process so that their views could shape the further development of this industry process.<sup>19</sup>

Since then, members of Communications Alliance have met on a number of occasions and Telstra and NBN Co have recently tabled a detailed guidance document on how

---

<sup>18</sup> ACCAN submission, page 2; Optus submission, page 6

<sup>19</sup> This work is being undertaken by Communications Alliance Working Committee 53 Sub-Group.



RSPs can successfully migrate services in FTTN and FTTB areas, including how service restoration processes are to occur and how existing number portability processes can be used.<sup>20</sup>

While further work will be required to develop and refine the guidance document, the ACCC is satisfied that it is suitably progressed for Telstra's proposed disconnection model for FTTB areas to commence.

Telstra and NBN Co have indicated that, if the revised Plan is approved, they intend to implement the integrated migration process as soon as practicable in FTTB areas. Telstra has consequently stated that it will follow this integrated migration process when making copper disconnections in FTTB areas on an interim basis until the Communications Alliance working group has completed its review.<sup>21</sup>

At this stage, Communications Alliance expects that it will be in a position to issue a Guideline or Code on this matter in late 2015 or early 2016.

In relation to Optus' suggestion to align the cease sale obligations for FTTB and FTTN areas, the ACCC agrees that there should be a viable migration path for consumers that wish to change their service provider when moving to the NBN. However, the ACCC understands from discussions with the parties that there is a high likelihood that NBN Co will commence accepting such orders in FTTB areas in the near future. Consequently, this would obviate the need for a change to the commencement date for the cease sale provisions in those areas.

## 5.5 Process for disconnecting premises in HFC areas

The revised Plan provides for Telstra to disconnect retail HFC services when requested by a gaining RSP acting on behalf of a customer, provided that:

- there is a Standard Industry Process (or any generally industry arrangement) in place dealing with such notifications<sup>22</sup> and
- Optus participates in, and remains subject to, the same Standard Industry Process (or generally accepted industry arrangement) dealing with notifications by gaining RSPs in relation the migration of HFC customers on the Optus HFC network.<sup>23</sup>

In the discussion paper, the ACCC noted that a gaining service provider model can promote competition and consumer outcomes by minimising the number of parties an end user must deal with when changing their service provider.<sup>24</sup> The discussion paper sought views on a possible gaining service provider model for HFC areas. It also asked whether it is appropriate for Telstra's commitment to such an arrangement to be dependent on participation by Optus.

---

<sup>20</sup> Telstra supporting submission, page 9

<sup>21</sup> See the explanatory note to the revised Plan, under clause 9.3(c). It is anticipated that the Communications Alliance working group will finalise its consideration of this process before FTTN migration commences, so interim arrangements are only required in FTTB areas.

<sup>22</sup> Clause 9.2(a)(iii) of the revised Plan

<sup>23</sup> Clause 9.2(b)

<sup>24</sup> ACCC discussion paper, page 28

### 5.5.1 Submissions received

Optus and ACCAN see merit in developing standard industry processes for the migration of services on HFC networks to the NBN.<sup>25</sup> Both parties also consider that Telstra's commitment to such a process should not be dependent on the participation by Optus. In this regard, Optus noted that Telstra's obligations under the Migration Plan, including the need to participate in the HFC transfer process, reflect the broader regulatory framework under the SSU for addressing Telstra's dominant market position. Nevertheless, Optus indicated that it would be willing to participate in a process for the transfer of its HFC customers to the NBN.

### 5.5.2 ACCC views

The ACCC is satisfied that the revised Plan is consistent with the Ministerial instruments in relation to this matter.

The ACCC welcomes Optus' willingness to participate in an HFC transfer process. It notes that the Communications Alliance working group on NBN migration intends to develop a Standard Industry Process to migrate HFC services to the NBN, with a view to this process concluding in late 2015 or early 2016.<sup>26</sup>

## 5.6 In-train order premises

The revised Plan provides for an extended disconnection schedule for in-train order premises. These are premises that are still waiting for their order for an NBN service to be filled after the Disconnection Date.

Following industry experience in migrating premises in the first 31 Fibre Serving Area Modules (FSAMs), it became apparent that the disconnection arrangements in the original Migration Plan did not provide sufficient assurance for service continuity. To address this, Telstra and NBN Co developed (in consultation with the government) a revised approach to managed disconnections for FSAM 32 and beyond.<sup>27</sup>

The revised disconnection arrangements introduced new provisions to provide for an extended disconnection schedule, including:

- allowing premises to become in-train order premises even if their order for an NBN service is received after the Disconnection Date, so long as the order is received within 25 business days after the Disconnection Date and
- extending the supply of existing copper services for in-train orders from 90 business days to 120 business days after the Disconnection Date.

The ACCC consented to these revised arrangements on 30 January 2015 without a formal variation to the Migration Plan on the basis that the revised arrangements would provide a greater level of service continuity and on the expectation that Telstra would shortly submit a formal variation to the Migration Plan.

---

<sup>25</sup> Optus submission, page 7; ACCAN submission, page 2

<sup>26</sup> Communications Alliance, terms of reference for WC53 Sub-Group NBN FTTB/N and HFC Migration Processes, March 2015

<sup>27</sup> See [www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/proposed-disconnection-process-for-fsam32](http://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/proposed-disconnection-process-for-fsam32)

Since the introduction of these arrangements, and the finalisation of the Principles, Telstra and NBN Co have identified further scenarios in which the in-train order process requires additional flexibility. This includes where a premises:

- has multiple orders for NBN services, but is not treated as an in-train order because at least one of the NBN orders was filed prior to the Disconnection Date and
- has been connected to the NBN, but the RSP has not had time to activate voice and broadband services over that connection (this is particularly relevant for complex business customers).

The revised Plan includes amendments to the treatment of in-train order premises which are intended to address the above issues. In addition, the revised Plan sets out transitional provisions that Telstra proposes will only apply to premises in rollout regions with a Disconnection Date during the 2015 calendar year. The transitional arrangements include:

- extending the definition of in-train order premises to any premises that is connected to the NBN within three months before the Disconnection Date, rather than the standard one month
- after the Disconnection Date, Telstra will no longer disconnect in-train order premises within 30 business days of Telstra being notified that the premises has received all of its NBN connections (rather, managed disconnection will occur 120 business days after the Disconnection Date) and
- a longer migration period for copper services being used to supply a registered fire alarm or lift phone at a premises.<sup>28</sup>

The ACCC sought feedback in its discussion paper on a number of aspects of the revised arrangements on in-train order premises, including whether:

- the revised arrangements will protect customers from prematurely losing services on Telstra's network
- treating any premises that connected to the NBN within three months before the Disconnection Date as an in-train order premises is sufficient to ensure that RSPs and application service providers can activate all services at an NBN-connected premises
- the expiry of the transitional arrangements for 2015 will lead to the re-emergence of problems that Telstra is seeking to address and
- additional transparency in relation to the NBN Co's fulfilment of in-train orders would help identify systematic issues at an earlier stage.

### 5.6.1 Submissions received

Optus provided an extensive range of comments on the proposed arrangements for in-train order premises.<sup>29</sup> It stated that while the revised provisions have improved

---

<sup>28</sup> This was one of the minor changes in the amended revised Plan submitted by Telstra for ACCC approval on 5 June 2015.

<sup>29</sup> Optus submission, pages 7-11

protection from end users prematurely losing their services, further protections are required. These further changes are considered below with the ACCC's views.

ACCAN is concerned that consumers may be disconnected while waiting for their NBN service to be connected.<sup>30</sup>

### 5.6.2 ACCC views

The ACCC is satisfied that the revised Plan is consistent with the Ministerial Instruments in relation to this matter.

The new disconnection arrangements under the revised Plan are likely to provide greater service continuity assurance for consumers in the migration process. This is facilitated by broadening the definition of in-train order premises, and delaying the date of their mandatory disconnection.

For any aspect of these provisions of the revised Plan that do not fully accord with a specific or procedural principle, the ACCC has considered those provisions of the revised Plan against all of the Principles. In this regard, the ACCC considers that the revised Plan builds in further protections for consumers and competition than were required by the specific and procedural principles, and that it should accept the arrangements as consistent with all the Principles, including the general principles.

However, the ACCC brought to Telstra's attention concerns raised in the course of the consultation process and requested Telstra to consider making several amendments to the in-train order provisions to benefit the consumer migration experience. In doing so, the ACCC sought to test whether there are measures that, although not mandated by the Principles, could still be adopted by Telstra to provide better consumer and competition safeguards.

In particular, the ACCC requested that Telstra consider adopting measures that could possibly alleviate the potential negative impact of mandatory disconnection for consumers whose NBN services are not activated prior to the managed disconnection of their copper services, notwithstanding that they placed their orders within time. This may be because the customer is yet to be connected to the NBN, or that their RSP had not had time to activate the service. Under the disconnection arrangements in relation to the first 31 FSAMs, Telstra had agreed not to disconnect these customers until their premises could be connected to the NBN.

While Telstra acknowledged these concerns, it considers that it is premature at this stage to make further changes to the process for managing the disconnection of in-train order premises as experience is needed before it can better understand what changes, if any, need to be made.

The ACCC is disappointed that Telstra has been unable to act on industry concerns in the revised Plan, and considers that it will be particularly important for Telstra to actively manage the potential risks to consumer outcomes that are likely to arise from its 'wait and watch' approach.

---

<sup>30</sup> ACCAN submission, page 3

In this regard, the ACCC notes that Telstra has stated that it intends to consult further with the ACCC and industry in the coming months on whether it believes further changes to the definition of in-train order premises are required and, if so, the nature of those changes.

In addition, the ACCC notes that the government is shortly expected to release its Migration Assurance Policy (**MAP**) Statement, which will include assurance principles and high-level guidance regarding individual stakeholder roles. Under the revised Plan, Telstra is obliged to consider whether a variation is required to the Plan in order to provide for consistency with the MAP Statement.

### ***Disconnection of in-train order premises after 120 business days***

While the ACCC notes that the revised Plan mirrors the Principles in this regard, the ACCC is concerned that the revised Plan requires Telstra to disconnect in-train order premises ‘as soon as reasonably practicable’ after the date which is 120 business days after the Disconnection Date.

This is notwithstanding that a consumer may not yet have had their NBN service connected. In this context, the ACCC notes that pursuant to the revised Disconnection Protocols agreed between Telstra and NBN Co, Telstra is contractually obliged to disconnect all categories of in-train order premises by 130 business days after the Disconnection Date.

The ACCC considers that this aspect of the revised Plan places some consumers who have placed a valid order for NBN services at risk from losing access to their existing copper service prematurely. The ACCC considers that this is a significant risk that requires active and ongoing management.

### ***Extending protections to premises with orders for non-NBN services***

Optus submitted that the protections afforded in-train order premises should also be extended to premises awaiting orders to be filled for non-NBN services.<sup>31</sup> It provided examples of orders for Special Services with Telstra, fibre services with Optus, and FTTB orders with a third party network operator such as TPG.

The ACCC’s ability to address such issues as part of its assessment of Telstra’s revised Plan is extremely limited. The ACCC can only approve or refuse to approve the revised Plan based on whether it complies with the detailed Principles (and Specified Matters Instrument) made by the Minister.

In this regard, the ACCC notes that the Principles are confined to the migration of services to the NBN specifically, not other networks. For example, the Principles define ‘Migration’ in terms of connection to the NBN fixed-line network, while the objectives similarly refer to the deployment of the NBN.<sup>32</sup>

---

<sup>31</sup> Optus submission, page 8

<sup>32</sup> Principles, clause 4

### ***Extending the date for lodging in-train orders***

The revised Plan states that Telstra will apply a soft dial tone to each active wholesale or retail line rental service, where practicable, within 15 business days after the Disconnection Date. In-train order premises are excepted from this provision.<sup>33</sup>

NBN Co will provide Telstra with an initial list of in-train order premises on the Disconnection Date, and then an updated list 26 business days later.<sup>34</sup>

Optus submitted that some end users (particularly businesses) are responding to disconnection notices late and placing NBN orders shortly after the Disconnection Date. Consequently, Optus suggested that the revised Plan should provide for NBN Co to supply Telstra with its initial list of in-train order premises 10 business days after the Disconnection Date.<sup>35</sup> This list would then pick up premises that lodge an NBN order immediately after the Disconnection Date and exclude them from the soft dial tone process.

While Optus' suggestion appears to have merit, and should be considered as to whether it could be implemented in practice, the ACCC does not consider that the provisions in the revised Plan are inconsistent with the Principles. The ACCC notes that Telstra will require a period of time to process receipt of the list of in-train order premises received from NBN Co (including preparing a list of premises subject to the imposition of soft dial tone) and provide an opportunity for this list to be checked by its wholesale customers.

### ***Ensuring that RSPs have sufficient time to activate NBN services for complex migrations***

Optus submitted that post activation activities for business customers, which can include complex number porting, are often delayed either due to end user issues or site specific issues after the premises has been connected to NBN.<sup>36</sup>

Optus made a number of other recommendations to ensure that the in-train order arrangements will protect complex business customers from prematurely losing their legacy services before their RSP had been able to activate their NBN services. These recommendations include:

- The enhanced in-train order protections under clause 15.1(d) of the revised Plan that are due to expire at the end of 2015 should be made permanent.
- The revised Plan should treat any premises that is connected to the NBN up to six months prior to the Disconnection Date as an in-train order.
- Telstra should not disconnect any in-train order premises prior to the date for mandatory disconnection (120 business days after Disconnection Date) even if it has been notified by NBN Co that the in-train order had been filled. This is to give RSPs an appropriate amount of time to complete the customer transfer.

---

<sup>33</sup> Revised Plan, clause 21(a)

<sup>34</sup> Revised Plan, clause 15.1(a)

<sup>35</sup> Optus submission, pages 8-9

<sup>36</sup> Optus submission, page 9-10

- If NBN Co cannot complete all in-train orders within four months of the date for mandatory disconnection, an exceptions process needs to be developed. This process could move these outstanding in-train order premises into an in-fill FSAM, in a similar manner to where a premises is still unserviceable six months prior to the Disconnection Date. The premises would therefore not face mandatory disconnection for an additional six months.

Although the ACCC is satisfied that the revised Plan is consistent with the Ministerial Instruments in relation to this matter, the ACCC sees merit in a number of the suggestions from Optus.

As noted above, Telstra has stated that it intends to consult further with the ACCC and industry in the coming months on whether it believes further changes to the definition of in-train orders premises are required.<sup>37</sup> The ACCC therefore encourages industry to continue to closely monitor the effectiveness of the in-train order arrangements and identify to Telstra any necessary modifications, as a means to actively manage these risks to service continuity.

### ***Improved transparency of in-train order premises***

Optus submitted that the full list of in-train order premises should be visible to RSPs, so that they will not continue to market to customers who have placed orders to migrate with other RSPs. It would also allow the RSP to check that any in-train orders placed by consumers they have gained in the migration process are specified on the in-train order list.<sup>38</sup>

The ACCC has explored this issue with Optus, Telstra and NBN Co and understands that current practice is for Telstra to provide each RSP with a list of all in-train orders that relate to that RSP's existing customers. This means that an RSP can determine which of its current customers are yet to have placed an NBN order.

The ACCC considers that there could be benefit in RSPs having greater visibility of the in-train order lists so that they can check that in-train orders from customers they have gained are listed. The ACCC considers that this is largely an issue for NBN Co to consider, as it is NBN Co that creates the master in-train order lists which could potentially provide the requisite transparency to RSPs.

### ***Whether soft dial tone should be optional***

In its submission, Optus states that the application of soft dial tone is a blunt instrument that is not particularly effective and may cause confusion for end users given that their broadband service will continue to work.<sup>39</sup> It recommends that the application of soft dial tone be at the discretion of each RSP.

The ACCC notes that Telstra will only apply a soft dial tone service to active retail and wholesale line rental services.<sup>40</sup> This means that RSPs can choose whether to apply a soft dial tone or similar mechanism to voice services supplied over their own

---

<sup>37</sup> Supplementary Telstra supporting submission, section 5.1

<sup>38</sup> Optus submission, page 9

<sup>39</sup> Ibid, pages 9-10

<sup>40</sup> Revised Plan, clause 21.1(a)

equipment using a Telstra ULLS service. Telstra has also advised the ACCC that an end user's broadband service will no longer work once Telstra has applied soft dial tone to a copper service. This is consistent with the definition of soft dial tone in the Principles, which states that the end user will not be able to receive other carriage services.

The ACCC considers that clause 21.1(a) of the revised Plan is consistent with the Principles (in particular, the specific principle in clause 19).

## **5.7 Extended disconnection schedule for services used for fire alarms and lift phones**

Clause 15.5 of the amended revised Plan submitted by Telstra on 5 June 2015 extends, on a temporary basis, the timeframes within which fire alarm and lift phone services can be migrated to the NBN before the lines over which they are supplied become subject to managed disconnection. RSPs will have an additional six months to switch fire alarm and lift phone services that they register with NBN Co in regions with a 2015 Disconnection Date.

### **5.7.1 Submissions received**

The ACCC did not receive any submissions on this matter.

### **5.7.2 ACCC Views**

The ACCC is satisfied that the revised Plan is consistent with the Ministerial Instruments in relation to this matter. The extended disconnection schedule will promote service continuity by providing a longer maximum migration period for fire alarm and lift phone services.

The ACCC encourages fire alarm service providers and lift phone service providers to register relevant services with NBN Co before the date that is 25 business days after the Disconnection Date in order to benefit from this extension.

## **5.8 Required Measures and replacement Schedules**

The original Migration Plan contained obligations on Telstra to develop processes after the Migration Plan had been approved by the ACCC. Four of these 'Required Measures' have previously been approved by the ACCC and are now incorporated into the revised Plan as replacement Schedules. Telstra is required to develop one further Required Measure on the disconnection of Special Services and Special Service Inputs.

Clause 28 of the Principles specifies a number of elements that must be included in a process for modifying or replacing the Required Measures. The revised process for modifying or replacing the Required Measures is a more streamlined process than requiring Telstra to submit a formal variation to the Migration Plan.

The ACCC's discussion paper noted that the Principles are quite specific in the process that Telstra is required to follow when modifying or replacing a Required Measure. Telstra's revised Plan has replicated the Principles reasonably closely, with



one exception. Clause 5.2(g) of the revised Plan states that the ACCC may not object to a proposed new, replacement or varied schedule where it is required by a Standard Industry Process or ‘generally accepted industry arrangements’. The Principles’ specifications of the streamlined process do not include any limitation on the ACCC’s ability to object. However, clause 41 of the Principles contains a general restriction on the ACCC’s power to take action, or refrain from taking action, which is inconsistent with an obligation on Telstra under any Industry Migration Arrangement or Standard Industry Process. The general restriction in clause 41 of the Principles does not refer to ‘generally accepted industry arrangements’.

The ACCC sought feedback in its discussion paper on whether the limitation in clause 5.2(g) regarding the streamlined process reflects the broader restriction on the ACCC’s power under clause 41 of the Principles. The ACCC also sought feedback on whether the use of the words ‘generally accepted industry arrangements’ is consistent with the Principles.

### **5.8.1 Submissions received**

Optus proposed that the limitation associated with ‘generally accepted industry arrangements’ be deleted.<sup>41</sup> It noted that the term was open to interpretation. Alternatively, Optus suggested that it should be clearly defined in a way that requires endorsement by at least two non-Telstra RSPs.

### **5.8.2 ACCC Views**

The ACCC is satisfied that the revised Plan is consistent with the Ministerial Instruments in relation to this matter.

Telstra has stated that its reason for including the reference to ‘generally accepted industry arrangements’ was to ensure updated processes can be developed with confidence based on general industry arrangements – some of which may still be under development at the time that it is preparing its replacement Schedules.<sup>42</sup>

The ACCC is satisfied that the restriction on its ability to object to a proposed new, replacement or varied Schedule where it is required by a Standard Industry Process or generally accepted industry arrangement is broadly consistent with the general restriction in clause 41 of the Principles. Moreover, in practice the ACCC would be very unlikely to object to a proposed Required Measure or replacement Schedule if it had the support of a broad cross-section of the industry.

## **5.9 Potential consumer and competition issues that cannot be addressed through the Migration Plan**

In its discussion paper, the ACCC encouraged stakeholders to consider further competition or consumer issues that could arise during the migration of services to the NBN in addition to those identified in responding to the specific questions contained in the discussion paper.

---

<sup>41</sup> Optus submission, page 13

<sup>42</sup> Supplementary Telstra supporting submission, section 5.2

The discussion paper noted that the ACCC's ability to address any such issues as part of its assessment of Telstra's revised Plan is limited. The ACCC can only approve or refuse to approve the revised Plan, a decision based solely on the detailed Principles (and Specified Matters Instrument) made by the Minister. The scope of this role is further limited by matters that cannot be addressed in the revised Plan, such as in respect of NBN design, construction or maintenance arrangements.

Nevertheless, being aware of the full range of issues of potential concern will assist the ACCC in performing its broader general functions in regulating the communications sector. It may also assist industry participants and other stakeholders in developing NBN migration measures that promote competition and consumer outcomes. This recognises that Telstra is only one of a number of key stakeholders in the migration process, which is a whole of industry process involving a number of industry participants. The smooth migration of end users to the NBN requires coordination and participation by the whole of the industry.

### 5.9.1 Submissions received

Submissions included a number of comments relating to matters outside the scope of the Migration Plan.

ACCAN pointed to concerns among some consumers regarding the need for battery back-up.<sup>43</sup> It also noted that there is confusion over the difference between voice services over UNI-V and UNI-D ports.

ACCAN also raised concern about the list of responsibilities falling outside of Telstra's remit and suggested that matters not within Telstra's responsibility under the revised Plan need to be clearly mapped for consumers.<sup>44</sup> It stated that consumers feel frustrated when they are sent between a number of different bodies and many have reported to the TIO of not knowing to whom they should turn. Furthermore, some consumers report being told different things by different RSPs and NBN Co.

ACCAN therefore emphasised the need for consumers to be given consistent and up-to-date information from all bodies involved.

In addition, ACCAN expressed concern about situations in which a new owner/tenant moves into a premises not already connected to the NBN in a cease sale area. Through no fault of their own, the consumer may have to wait a significantly long period for an NBN service.

### 5.9.2 ACCC views

The ACCC thanks respondents for offering views on the migration experience more generally and suggesting improvements to promote a smooth transition for consumers.

There are a number of processes currently underway that consider matters beyond Telstra's activities in relation to the Migration Plan and which are intended to lead to

---

<sup>43</sup> Ibid, page 2

<sup>44</sup> Ibid, page 3

the development of further measures that promote competition and consumer outcomes in the migration of services to the NBN. These include the development of an NBN Migration Management Guideline and NBN FTTB/N and HFC Migration Processes by Communications Alliance.

In addition, the ACCC notes that the government is expected to shortly release its MAP Statement, which will include assurance principles and high-level guidance regarding individual stakeholder roles.

The ACCC agrees that it will remain particularly important for consumers to receive accurate and complete guidance and assistance so that they can migrate their services to the NBN in a manner that best suits their requirements.

For its part, the ACCC has encouraged Telstra and NBN Co to publish explanatory materials relating to the migration of services. This includes publishing for the information of RSPs the copies of the detailed rules that Telstra and NBN Co have agreed to apply to disconnection of Telstra's legacy services, as well as summary materials that would be more suitable for consumers. The ACCC has also developed explanatory materials for consumers on the NBN. These materials are available on the ACCC website.

The ACCC also agrees that delays in NBN Co connecting premises has given rise to service continuity concerns for consumers without a copper or HFC service.

While this is a matter that NBN Co can address directly, the ACCC notes that the revised Plan does provide some protection against people moving into an area subject to cease sale restrictions being significantly delayed in accessing a fixed line service.

In this regard, one cause of significant delay is that a premise is not NBN serviceable. That is, NBN Co must undertake out of the ordinary works to be able to connect the premise notwithstanding that it is located in a region where NBN Co already has installed significant network.

Previously, Telstra could connect a new copper service at such a premise only if NBN Co had accurately classified the premise in its systems as not NBN Serviceable. This has been modified in the revised Plan so that during the last 6 months of the migration window Telstra can also activate a copper service where, due to an error in service classification by NBN Co, the order is unlikely to be completed within 15 business days.<sup>45</sup>

---

<sup>45</sup> Clause 17.5 of the revised Plan

# List of acronyms and abbreviations

## List of acronyms

FTTB	fibre-to-the-basement
FTTN	fibre-to-the-node
FTTP	fibre-to-the-premises
HFC	hybrid fibre-coaxial
MAP	Migration Assurance Policy
MTM	multi-technology mix
NBN	national broadband network

## List of abbreviations

discussion paper	<i>ACCC, Assessment of Telstra's revised Migration Plan: Discussion Paper, 1 April 2015</i>
CCA	<i>Competition and Consumer Act 2010 (Cth)</i>
Definitive Agreements	Contractual arrangements between Telstra and NBN, as at December 2014
Principles	<i>Telecommunications (Migration Plan Principles) Determination 2015</i>
revised Plan	Telstra's revised Migration Plan, dated 5 June 2015
Specified Matters Instrument	<i>Telecommunications (Migration Plan – Specified Matters) Instrument 2015</i>
SSU	Telstra's Structural Separation Undertaking dated 23 February 2012
Telco Act	<i>Telecommunications Act 1997 (Cth)</i>
Telstra supporting submission	Telstra, <i>Telstra's varied Migration Plan – Submission in support</i> , 20 March 2015
Supplementary Telstra supporting submission	Telstra, <i>Telstra's varied Migration Plan – Supplementary submission in support</i> , 5 June 2015