



Wholesale Broadband Agreement 4 Proposal

Introduction

There is no doubt that 2020 has been a challenging year so far for everyone in the telecommunications industry and indeed, all Australians. Together we have worked as an industry to ensure Australians continue to have access to high speed broadband in these unprecedented times, collaborating to manage the financial, operational and network challenges. This willingness to find mutually acceptable resolutions has been critical to our success.

There is still great uncertainty for Australia and the world. In the face of this uncertainty, it is important that the telecommunications industry continues to work together and prioritises delivering a positive customer experience to Australians, given the ever-increasing importance of telecommunications connectivity in this changing world.

The ACCC decision in April 2020 to put on hold the NBN access pricing inquiry and the NBN wholesale service standards inquiry (**Public Inquiries**) was welcomed by **nbn**, however it has led to some uncertainty about the way forward in relation to our Wholesale Broadband Agreement 4 (**WBA4**). We believe it is important at this point in time to gain greater certainty so we can move forward with industry under a new and more balanced agreement.

With this in mind, **nbn** has submitted a proposal to the ACCC which we believe resolves the issues in the Public Inquiries and enables **nbn** to offer the industry a package under WBA4. This will deliver a better customer experience for Australians, give RSPs greater certainty and simplicity, and ensure **nbn** is able to continue to invest in the maintenance and upgrade of the **nbn** network over time to keep pace with customer needs.

nbn's proposal

In formulating this proposal, **nbn** is conscious of the need to balance all the different interests of RSPs, regulators, Government and **nbn** itself. This inevitably involves a degree of compromise. Our guiding principle is to ensure WBA4 provides the foundation for a better customer experience across the industry.

We are also conscious of timing. Our previous Wholesale Broadband Agreement known as WBA3 expires on 30 November 2020. Extending WBA3 is not preferred because this will delay the introduction of significant benefits to industry and end-users under WBA4. Therefore, **nbn** has decided to offer the further commitments to the ACCC outlined in the proposal below so that industry can move forward in accordance with the current WBA4 timetable and reap these benefits soon.

We consider that the overall package of significant enhancements proposed by **nbn** in WBA4 will deliver on the key objectives of the Public Inquires, particularly in relation to:

- a) providing greater pricing certainty for customers migrating to the **nbn** for the first time;
- b) ensuring that customers are supplied with a service that matches their expectations regarding speed; and
- c) providing **nbn** with even stronger incentives to meet its service standards for connections, fault repair, appointment keeping, and network performance.



nbn's proposal, which is outlined in detail below, delivers the following key outcomes for RSPs and end-users:

- Significant additional included CVC capacity for **nbn**'s modified Entry Level Bundle (mELB), supporting the smooth migration of end-users from legacy networks to the **nbn** network through to the end of 2022. This includes commitments to maintain the mELB pricing and CVC inclusions over that period.
- Increased certainty for RSPs about future pricing levels for **nbn**'s key residential services through publication of a 2-year pricing roadmap for the TC-4 Bundles Discounts, as well as other commitments.
- Permanent reduction of the Service Transfer charge from \$22.50 to \$5.
- Introduction of a new billing solution to rebate charges to RSPs when a new service does not work after it is initially connected.
- Introduction of new daily rebates where **nbn** does not meet its connections or fault rectification timeframes, rather than a single one-off payment.
- Increased rebates where **nbn** does not attend to end-user appointments within the required timeframes on the day of the appointment, with rebates escalated should a subsequent appointment also be missed.
- New PIR Objective rebate where a service does not meet the minimum downlink speed requirements on **nbn**'s FTTN/B/C networks (12Mbps when a service is in co-existence with legacy networks, 25Mbps after that co-existence period). This rebate will continue to be paid until the service is able to achieve this minimum speed objective, with the monthly rebate amount escalating the longer it takes to resolve the issue.
- Improved information provided to RSPs to allow them to ensure that end-users are placed on speed tiers that match the capabilities of **nbn**'s fixed line networks. Where this information is not available at the time of connection of the service, or proves to be inaccurate, **nbn** will provide a one-off rebate to compensate RSPs for the costs of managing this with their customers. **nbn** will also commit to a minimum "assured speed" for copper lines, and remediate lines that fall below that assured speed.
- New rebates will be provided where **nbn**'s fixed wireless network does not meet service performance targets for the radio access network and the backhaul transmission links for the network.
- **nbn** will also commit to providing additional fixed wireless reporting in WBA4.
- For the rebates described above, and for all rebates other than for Enhanced SLAs and those related to Enterprise Ethernet services, **nbn** will move away from manual claim processes for rebates and towards the automated application of rebates to RSPs' monthly invoices. This will help remove cost and complexity for RSPs.
- Enhanced reporting provided to RSPs to allow them to better manage their customers during connection and fault rectification activities.

nbn proposes that these enhancements to its wholesale pricing and service standards would be included in WBA4, providing RSPs with contractual certainty that they will be delivered over the two-year term of WBA4, if the ACCC determines this is an acceptable resolution after consulting with stakeholders and decides to close both the Public Inquiries.

We recognise this will involve a tight timetable for industry, however **nbn** believes that a speedy resolution of the issues arising under the Public Inquiries is now crucial due to the impending expiry of WBA3 on 30 November 2020 and the lead time required for the steps that **nbn** and RSPs need to take in order to allow all RSPs to move onto the new WBA4 by its 1 December 2020 start date.

Item	ACCC Position Paper	WBA4 proposal									
ACCC inquiry into NBN access pricing											
Broadband access product	<p><i>“We consider that a 12/1 Mbps speed access product bundle is most likely to lead to a like-for-like product for most consumers when migrating to the NBN, and so do not intend to similarly test whether the AVC speed tier should be increased.”</i></p>	<p>nbn agrees with the ACCC that a 12/1 Mbps access product should remain as the entry level option to enable a smooth migration to the nbn network in line with the ACCC’s principles.</p>									
Broadband access pricing and allowance for growth in CVC inclusions	<p><i>“... our proposed alternative broadband access product bundle would have a minimum charge of between \$24.80 and \$25.70, which would allow between 1.31 and 1.42 Mbps of CVC to be acquired for a \$35 monthly cost.”</i></p> <p><i>“While we agree that 30 percent would appear a relevant benchmark to what would be observed inclusive of high speed broadband access services, we are not convinced that basic broadband access services would have CVC requirements that grow at this rate. This is because at least some of this aggregate growth will be driven by demand profiles that would naturally select a high speed broadband product. That is, bandwidth requirements for high speed access products would grow faster than the expected aggregate growth rate, and basic-speed access services would grow at a slower rate. Consequently, we are proposing to maintain the 20 per cent annual growth rate that NBN Co has built into its modified ELB offer.”</i></p>	<p>What nbn has already committed on mELB:</p> <p>nbn has already committed to changes to the mELB Bundles Discount which will result in an effective charge of \$26.60 with effect from October 2020, which allows RSPs to acquire 1.2Mbps of CVC for a \$35 monthly wholesale cost (in addition to the mELB effective price reductions implemented in May 2020 and October 2019).</p> <p>Additional commitments as part of this WBA4 proposal:</p> <p>nbn proposes the following effective charges and CVC inclusions for mELB in WBA4 to address the ACCC’s views in the April Position Paper:</p> <table border="1" data-bbox="1234 858 1955 1094" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Dec-20</th> <th style="text-align: center;">May-21 to Nov-22</th> </tr> </thead> <tbody> <tr> <td>mELB Effective Charge</td> <td style="text-align: center;">\$24.70</td> <td style="text-align: center;">\$22.50</td> </tr> <tr> <td>CVC Inclusion at \$35 Total Wholesale Charge</td> <td style="text-align: center;">1.4Mbps</td> <td style="text-align: center;">1.7Mbps</td> </tr> </tbody> </table> <p>Rationale for these additional changes:</p> <p>nbn has considered the ACCC’s proposed 20% annual growth figure for mELB CVC inclusions, and while we do not consider there is strong evidence for such a high growth rate for the 12/1 Mbps speed tier, we have adopted an effective 20% annual growth rate from December 2019 until December 2022 to reach a resolution as part of the overall WBA4 package.</p> <p>It is worth noting that nbn introduced a range of enhancements to its CVC arrangements in May 2020 which have the effect of reducing the amount of CVC capacity that RSPs are required to pay for when acquired as part of a bundles discount. Key elements include the</p>		Dec-20	May-21 to Nov-22	mELB Effective Charge	\$24.70	\$22.50	CVC Inclusion at \$35 Total Wholesale Charge	1.4Mbps	1.7Mbps
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		<p>introduction of National CVC Pooling (to replace the existing CSA-level pooling of CVC inclusions), and increase of the Overage Waiver Threshold from 300Mbps to 1.5Gbps per CSA. As a result of reducing the amount of CVC that RSPs are required to pay for, the effect of these changes is to reduce the future growth trajectory for CVC that RSPs pay for, including for mELB.</p> <p>In adopting a 20% CVC growth rate as part of this proposal, the interaction of the ELB (“voice only”) and mELB pricing creates practical implementation issues for nbn. Using the current approach for mELB, as the CVC inclusion at a total wholesale cost of \$35 increases, at some point the effective charge for mELB is less than that for ELB (\$22.50). To address this, nbn proposes to increase CVC inclusions at a rate greater than 20% in the period to May 2021, and “levelise” the mELB effective charge and CVC inclusion over the period from May 2021 to December 2022. This means RSPs will enjoy the benefits of higher CVC inclusions earlier than would otherwise be the case.</p> <p>To date, the CVC inclusions available on mELB at a total wholesale charge of \$35 have been sufficient to meet the average usage of mELB customers, and this will remain the case under nbn’s proposal. However, we note that there is a small percentage of customers on 12/1 Mbps service who are very high data users, and who may drive a disproportionate amount of usage growth. These customers are also likely to fully utilise the available 12/1 Mbps AVC bandwidth as a result of their high upstream and downstream usage, and have poor experience outcomes that are unrelated to the available CVC capacity. The performance issues experienced by these high-use customers cannot be resolved by additional CVC capacity, and only a move to higher AVC speed tiers will deliver significantly improved performance outcomes. In nbn’s view, this is an important area for both RSPs and nbn to do further work on, and is unrelated to the level of mELB inclusions.</p>
Pricing Certainty	<p><i>“We have also previously expressed concerns about NBN Co’s use of discounts, including in our assessment of NBN Co’s proposed variation to the SAU. We continue to hold these concerns due to the financial risk that uncertainty poses, which cannot be readily mitigated.</i></p>	<p>Commitments as part of this WBA4 proposal:</p> <p>nbn proposes to continue publishing a 2 Year TC-4 Bundles Discount Roadmap so industry has guidance about nbn’s future pricing. The current charges and inclusions already committed to in nbn’s 2019 Pricing Review Consultation Closure Paper issued in November 2019 will</p>

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	<p><i>Since NBN Co introduced the modified ELB product and its 25/5 Mbps bundle product, the vast majority of NBN Co’s products are now implemented through discount constructs. Although we acknowledge that some discounting is specifically contemplated within the SAU, almost all NBN product offers are now expressed as discounts. In other words, discounting has become the predominant means by which NBN Co establishes its core product specifications and sets its prices.”</i></p> <p><i>“Were we to proceed to make an AD for entry level products, this would bring a higher degree of certainty to the composition and price of these particular access products. It would however not address concerns in relation to the use of discounts by NBN Co more generally. We will further consider how to provide greater certainty beyond entry level products consistent with the intended operation of the SAU, should that be necessary subject to any relevant developments in WBA4 discussions.”</i></p>	<p>constitute the initial TC-4 Bundles Discount Roadmap and will incorporate the additional changes to mELB discussed above.</p> <p>In addition, nbn will commit to maintaining the TC-4 Bundles Discount Roadmap showing:</p> <ul style="list-style-type: none"> • the maximum Bundled Discount effective charge and maximum CVC overage charges that applies to the AVC and CVC components over the coming 2 years; • the minimum CVC capacity inclusions that make up the Bundled Discount over the same 2 years. <p>nbn will commit to ensuring that the published 2 Year TC-4 Bundles Discount Roadmap at all times provides forward visibility for at least the next 12 months. When updated, the new TC-4 Bundles Discount Roadmap:</p> <ul style="list-style-type: none"> • will cover at least the 2-year period from the date of that update, and • can only maintain or improve on existing effective charges or CVC inclusions already committed in the then current Roadmap. <p>nbn also proposes to commit to the following safeguards for the term of WBA4 to provide certainty to RSPs in relation to mELB and the TC-4 Bundles Discounts:</p> <ul style="list-style-type: none"> • nbn cannot withdraw mELB, or increase the effective charge or decrease the CVC inclusions of TC-4 Bundles Discounts relative to the 2-year Pricing Roadmap. • To decrease the effective charge or increase the CVC inclusions of TC-4 Bundles Discounts relative to Pricing Roadmap, nbn must consult with RSPs and provide at least 1 months’ notice. • To introduce a new bandwidth profile into the TC-4 Bundles Discounts or to make operational process changes, nbn must consult with RSPs and provide at least 3 months’ notice. • To withdraw a speed tier from the TC-4 Bundles Discount (other than mELB, which nbn is not permitted to withdraw), nbn must give at least 12 months’ notice. This will be the subject of extensive consultation with industry and nbn must provide RSPs with a replacement proposition and information on migration of affected services. Any replacement proposition will offer at least equivalent value to the withdrawn TC-

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		<p>4 Bundles Discount speed-tier unless the underlying Product, Product Component or Product Feature is being withdrawn in accordance with the SAU.</p> <ul style="list-style-type: none"> • nbn must give RSPs at least 6 months’ notice of any other changes, for example, if it has: <ul style="list-style-type: none"> ○ decreased the effective charge of the TC-4 Bundles Discounts below the roadmap commitment and wants to increase it again (but cannot go beyond the roadmap commitment), or ○ increased CVC inclusions of the TC-4 Bundles Discounts above roadmap commitment and wants to decrease again (but not below the roadmap commitment) • If RSPs agree to amend the WBA to incorporate new pricing approaches, then nbn would be entitled to replace/enhance the TC-4 Bundles Discount Roadmap commitments. • nbn would also be able to change the TC-4 Bundles Discount and TC-4 Bundles Discount Roadmap commitments in response to a Regulatory Event as defined in WBA4, as well as to comply with applicable law, a Tax Change Event, and as necessary to comply with our non-discrimination obligations. <p>nbn proposes to provide a simplified DCR List as part of WBA4 with standard rules around variation, withdrawal, suspension, introduction and extension rules for discounts, credits, rebates and waivers. The DCR List will become Annexures to the WBA4 Price Lists, so all price-related terms for prices and discounts are in the WBA.</p> <p><u>Rationale for these changes:</u> These changes will substantially improve the level of pricing certainty enjoyed by RSPs. The effect of these safeguards acting together will also provide certainty that any replacement discounting proposition will offer at least equivalent value to the withdrawn bundle over the remainder of the term of the TC-4 Bundles Discount Roadmap unless the underlying Product, Product Component or Product Feature is being withdrawn in accordance with nbn’s product withdrawal processes under the SAU and WBA (as applicable).</p>

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		<p>The published 2 Year TC-4 Bundles Discount Roadmap establishes clearly defined boundaries for the effective charges and value that nbn can offer over its term. If nbn introduces new discount arrangements that are not TC-4 Bundles Discounts, the commitments in WBA4 mean that any new arrangements will be offered either in parallel with the TC-4 Bundles Discounts or offer at least equivalent value to them over the term of the then current TC-4 Bundles Discount Roadmap. Thus, these new discount arrangements cannot result in worse outcomes for RSPs during the term of WBA4.</p>
CVC utilisation conditions	<p><i>"... we are intending to consider further whether CVC utilisation conditions should apply to entry-level access products in particular, and if so what form they should take."</i></p>	<p>nbn substantially simplified CVC utilisation conditions in response to feedback received from RSPs during the 2019 pricing consultation process. This included simplifications to the CVC utilisation conditions themselves, the amounts payable when breaches occur, and the process by which RSPs can manage compliance with the CVC utilisation conditions.</p> <p>The new CVC utilisation conditions for the TC-4 Bundles Discounts came into effect from 1 May 2020 but nbn has agreed not to enforce the consequences of CVC utilisation condition breaches as part of the CVC COVID-19 Credit to support RSPs during the COVID-19 pandemic. Once this is lifted in September 2020, we will monitor the effectiveness of the new conditions and continue to engage with RSPs on opportunities for improvement.</p> <p>To the extent that the ACCC is considering whether CVC utilisation conditions should continue to apply to entry-level products, and in what form, it is unclear how nbn or RSPs would be able to operationalise different CVC utilisations conditions for different products, given the shared nature of CVC.</p> <p>Seeking to build in differential CVC utilisation conditions for different products would likely introduce substantial complexity and operational cost for both nbn and RSPs.</p>
Voice-only access product	<p><i>"...we will consider whether the introduction of a voice-only NBN access product would promote the LTIE. Again, we would intend to consider this principally from the perspective of whether this is required to allow a smooth transition of some customers given their existing fixed line voice products are also being withdrawn with the rollout of the NBN."</i></p>	<p>Consumers continue to be able to make a smooth migration to the nbn network in relation to voice-only based on nbn's current ELB wholesale pricing.</p>
Service Transfer Charge	<p><i>"A gaining access seeker pays a transfer charge when an end-user moves from one access seeker to another. NBN Co has</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p>

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	<p><i>reduced its transfer charge from \$22.50 to \$5.00 per transfer in response to access seekers raising strong concerns regarding the existence and level of these charges</i></p> <p><i>... Subject to any final views, we are of the view that the \$5.00 charge appears reasonable to apply over an extended period, and we do not consider that a strong case can be made on competition and efficiency grounds for this charge to be set at zero. This includes for intra-company transfers. A small transfer charge would also contribute towards the recovery of the efficient costs of processing any transfers that fall out of the automated process, and discourage inefficient use of the transfer process."</i></p>	<p>nbn proposes a price reduction (via inclusion in the WBA4 Price List) of the Service Transfer Charge to \$5.</p> <p>Rationale for the change: While activities associated with Service Transfers result in low costs to nbn in many instances, there still remain a material number of instances in which nbn incurs significant costs as a result of truck rolls and provision of new equipment. nbn agrees with the ACCC's characterisation of a small charge being a reasonable means of recovering these higher costs across all Service Transfer activities.</p>
ACCC inquiry into NBN Wholesale Service Standards		
<p>NSNW (New Service Never Worked)</p>	<p><i>"We consider it important that NBN Co has strong commitments at the wholesale level for confirming new connections are working and the circumstances in which it can start charging for services supplied.</i></p> <p><i>Although we consider that the general principle set out in our draft decision, that NBN Co would only commence charging after installation testing is complete is appropriate, we acknowledge that for some network technologies certain actions will be required from other parties before NBN Co can perform installation testing. We therefore consider some flexibility is required for the implementation of the general rule. In respect of NBN Co's submission that it requires a modem to be present and activated for FTTN/B connection testing, we consider a reasonable approach is for NBN Co to apply a 'pending' status to the connect order while it is awaiting modem connection. We would propose that no wholesale</i></p>	<p>Commitments as part of this WBA4 proposal: nbn proposes a NSNW billing solution whereby charges for the period between the date a connection order is completed and when the service is working will be refunded directly to the RSP invoice on a pro rata daily basis when an RSP raises a Trouble Ticket within 20 Business Days.</p> <p>Rationale for the change: Through WBA4 negotiations with RSPs there is a clear consensus that a billing solution is the first and right step to take for this process.</p> <p>The refund of charges by way of a rebate supports RSPs' retail level obligations whereby they cannot commence charging a customer until a service is working, and in addition the billing solution is technology agnostic and works independently of nbn's other applicable commercial rebates.</p>

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	<p><i>charges would apply for this period and NBN Co's service level for measuring connections would effectively be paused while the 'pending' status applies to the connection order. Consistent with current operational practice, NBN Co may ultimately cancel or reject the order if the necessary action is not taken.</i></p> <p><i>Finally, we note that the WBA already states that if NBN Co accepts that an access seeker has paid charges that it should not have paid, then it will ensure charges for those service are credited to the access seeker on a pro rata daily basis."</i></p>	<p>Feedback from RSPs on introducing automated testing on FTTP/N/B (we already have this in place for FTTC and HFC) was mixed as it results in complex changes to RSP system and process that come at a cost.</p> <p>In addition to the commitments above, nbn intends to consult with RSPs during FY21 on the potential introduction of automated testing to significantly reduce and/or eradicate NSNW issues and determine the viability and utility of such a technical solution.</p>
<p>Connection Rebate</p>	<p><i>"The proposed terms in the draft FAD maintained NBN Co's existing service level timeframes for connections ... as specified in the WBA. Further, the draft FAD terms incorporated:</i></p> <ul style="list-style-type: none"> <i>• a connection rebate of \$13.50 per business day for each missed connection service level, up to a cap of 20 business days [nbn comment – i.e. a cap of \$270]</i> <p><i>Having considered the views of stakeholders, we remain of the view that the rebate amounts and structures proposed in the draft FAD strike an appropriate balance between providing a meaningful incentive on NBN Co and supporting RSPs to provide a service that meets end-user expectations, and the potential cost and business impact on NBN Co.</i></p> <p><i>...we consider that rebates should apply to all missed connection ... service levels, including for accelerated connections, Priority Assistance (PA) connections.... NBN Co should pay rebates to RSPs automatically where a service level is missed."</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn proposes as part of this overall WBA4 package:</p> <ol style="list-style-type: none"> 1. For Standard and Accelerated Connections, the new Connection Rebate will be \$7.50 per business day in excess of the applicable Service Level for nbn™ Ethernet Standard and Accelerated Connections and will be capped at 30 business days (i.e. up to a cap of \$225). 2. For PA customers, the new Connection Rebate will be \$10 per business day in excess of the applicable Service Level capped at 30 business days (i.e. up to a cap of \$300). 3. The rebate will be paid automatically with no requirement for the RSP to claim it. 4. The rebate will be payable in respect of connections for both AVC TC-4 and AVC TC-2 services. 5. The RSP will be required to take reasonable steps to pass-on a fair value benefit (monetary or otherwise) to the customer which recognises the inconvenience caused to the customer and provides some measure of compensation for the inconvenience caused. <p><u>Rationale for these changes:</u></p> <p>The rebate arrangement described above is an amended and simplified version of the daily rebates that have previously been proposed by nbn to RSPs during the course of WBA4 negotiations. nbn has taken on board feedback from interested parties on our previous proposals, and considerably simplified our approach.</p>

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		<p>With these changes, we think we have struck the right balance between simplicity and clarity, whilst ensuring the model incentivises customer positive service delivery outcomes, including having regard to customer vulnerability, needs and circumstances.</p> <p>We recognise that these rebates are lower than those proposed by the ACCC, however nbn has included significant additional value in other parts of this WBA4 proposal which will result in longer term benefits for RSPs and end users than short-term compensatory payments.</p> <p>We also believe a longer capping period than that proposed by the ACCC will better address any 'long-tail' delays to accompany nbn's case management process whereby nbn employ case managers, including to resolve aged connection orders (28 calendar days or more).</p>
<p>Service Fault Rebate</p>	<p><i>"The proposed terms in the draft FAD maintained NBN Co's existing service level timeframes for ... fault rectification as specified in the WBA. Further, the draft FAD terms incorporated:</i></p> <ul style="list-style-type: none"> • a fault rebate of \$20 per business day, escalating to \$30 per business day after 5 business days, up to a cap of 40 business days. [nbn comment – i.e. a cap of \$1150] <p><i>Having considered the views of stakeholders, we remain of the view that the rebate amounts and structures proposed in the draft FAD strike an appropriate balance between providing a meaningful incentive on NBN Co and supporting RSPs to provide a service that meets end-user expectations, and the potential cost and business impact on NBN Co.</i></p> <p><i>...we consider that rebates should apply to all ... fault service levels, including for [Priority Assistance] fault rectification. NBN Co should pay rebates to RSPs automatically where a service level is missed."</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn proposes as part of this overall WBA4 package:</p> <ol style="list-style-type: none"> 1. The new Service Fault Rectification Rebate will be a flat rebate of \$15 per business day in excess of the applicable Service Level for nbnTM Ethernet missed End User Fault Service Levels which will be capped at 60 business days (i.e. a cap of \$900). 2. The new Priority Assistance Rebate will be a flat rebate of \$20 for each business day in excess of the applicable Service Level capped at 60 business days (i.e. a cap of \$1,200). 3. The rebate will be paid automatically with no requirement for the RSP to claim it. 4. The rebate will be payable in respect of connections for both AVC TC-4 and AVC TC-2 services. 5. The RSP will be required to take reasonable steps to pass-on a fair value benefit (monetary or otherwise) to the customer which recognises the inconvenience caused to the customer and provides some measure of compensation for the inconvenience caused. <p><u>Rationale for these changes:</u></p> <p>As per above, the rebate arrangement described above is an amended and simplified version of the daily rebates that have previously been proposed to RSPs. It takes on board feedback from interested parties on our previous proposals with a simplified approach, while still</p>

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		<p>ensuring the model incentivises customer positive service delivery outcomes and has regard to customer vulnerability, needs and circumstances.</p> <p>The fault rectification rebate of \$15 is many multiples of the daily wholesale charge being significantly higher than the daily wholesale charge for the 50/20 TC-4 bundle @ \$45 per month. As per above, nbn has also included significant additional value in other parts of this WBA4 proposal which will result in longer term benefits for RSPs and end users.</p> <p>We also believe a longer capping period than that proposed by the ACCC will better address any 'long-tail' delays to accompany nbn's case management process whereby nbn employ case managers, including to resolve aged trouble tickets (7 calendar days or more).</p>
Measurement of Trouble Tickets	<p><i>"In respect of the measurement of end-user faults, the draft FAD terms specified that service levels for fault rectification begins from the time of trouble ticket acknowledgement (as opposed to trouble ticket acceptance). The draft decision set out our view that timely validation of trouble tickets should be undertaken as part of NBN Co's ordinary operational processes and should therefore be included within the calculation of time.</i></p> <p><i>We further maintain the view that service levels for faults should begin from the time of trouble ticket acknowledgement (as opposed to trouble ticket acceptance)."</i></p>	<p>nbn does not intend to change the measurement of Trouble Tickets to commence from Trouble Ticket Acknowledgement as we firmly believe it is not in the interests of customers to reverse this improvement as it will only lead to longer timeframes for the issue to be resolved along with associated costs to systems and reporting for no benefit.</p> <p>Quality of information supplied to nbn in trouble tickets is the responsibility of RSPs. Measuring nbn performance from Trouble Ticket Acceptance stops the scenario where nbn has to place a trouble ticket into pending as a first response and the customer is without a service for a longer period of time because the Trouble Ticket was not submitted correctly by the RSP in the first instance.</p> <p>Trouble Ticket Acceptance measurement puts the responsibility on the RSP to ensure a trouble ticket has all the information nbn requires to immediately commence rectifying a fault.</p>
Missed Appointments	<p><i>"We maintain our view in the draft decision that NBN Co should be incentivised to meet its appointment service levels on a per-service basis by paying a rebate of \$75 to RSPs and that this rebate should in turn, be paid to end-users."</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u> nbn proposes as part of this overall WBA4 package:</p>

Item	ACCC Position Paper	WBA4 proposal
		<ol style="list-style-type: none"> 1. \$50 for each ‘Initial Actual Appointment’ relating to either a connection or a Trouble Ticket that is not attended by nbn within the appointment window (up from \$25 under WBA3). 2. \$75 for each ‘Subsequent Rescheduled Actual Appointment’ relating to the same connection or a Trouble Ticket that is not attended by nbn within the appointment window (up from \$25 under WBA3). 3. In each case, the appointment rebate is reduced by 50% if nbn attends the Appointment on the day, but just not within the Appointment Window, and the customer is still present, able and willing to admit the attendance of the nbn technician outside of the agreed Appointment Window. 4. The rebate will be paid automatically with no requirement for the RSP to claim it. 5. The RSP will be required to take reasonable steps to pass-on the full amount of the rebate to the affected customer, which recognises the inconvenience caused to the customer and provides some measure of compensation for the inconvenience caused. <p><u>Rationale for these changes:</u></p> <p>The ‘step change’ for the Missed Appointment rebates recognises the greater impact that such missed appointments have on customers and the operation of the rebates should ensure that nbn is incentivised to prioritise the service delivery accordingly. As per above, nbn has included significant additional value in other parts of this WBA4 proposal which will result in longer term benefits, in addition to these short-term compensatory payments.</p>
PIR Objective Rebate (FTTN/B/C)	<i>“In relation to FTTN/B/C services, the draft FAD proposed a rebate of \$20 for each month that the downstream PIR that a service is capable of achieving is less than the PIR Objective (downlink). As noted above, the PIR Objective (downlink) is 12Mbps for the most basic speed tier and, 25Mbps for all other speed tiers (25Mbps; 25-50Mbps; 25-100Mbps) except for FTTN services during coexistence when it is 12 Mbps.</i>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn proposes as part of this over WBA4 package:</p> <ol style="list-style-type: none"> 1. The trigger for the PIR Objective rebate is where a service is unable to achieve its PIR Objective and nbn designates the service in Remediation. The rebate then continues to be paid for each month the service remains in Remediation. 2. Accrual of the rebate will commence from the time of Acknowledgement of the Trouble Ticket that results in Remediation rather than the time at which the service is put into Remediation.

Item	ACCC Position Paper	WBA4 proposal								
	<p><i>The ACCC's view on rebate amounts is that a \$20 rebate amount is likely to be appropriate for all instances of service speed underperformance.</i></p> <p><i>In accordance with the draft FAD, our view is that there should be no obligation on an RSP to first lodge a Trouble Ticket for NBN Co to investigate and resolve an underperformance issue on its network."</i></p>	<p>3. nbn will not place any time limit on when the trouble ticket needs to be raised by the RSP on the basis that the PIR Objective rebate is only applied from the time of Acknowledgement of the Trouble Ticket.</p> <p>4. The rebate amount will be paid per month at a fixed amount that scales higher in proportion to the length of time since the Trouble Ticket was Acknowledged for the service:</p> <table border="1" data-bbox="1294 483 1688 711"> <thead> <tr> <th>Month</th> <th>Rebate</th> </tr> </thead> <tbody> <tr> <td>0-3</td> <td>\$10 per month</td> </tr> <tr> <td>4-6</td> <td>\$15 per month</td> </tr> <tr> <td>>6</td> <td>\$20 per month</td> </tr> </tbody> </table> <p>5. The rebate will be paid automatically with no requirement for the RSP to claim it.</p> <p>6. The RSP will be required to take reasonable steps to pass-on a fair value benefit (monetary or otherwise) to the customer which recognises the inconvenience caused to the customer and provides some measure of compensation for the inconvenience caused.</p> <p><u>Rationale for these changes:</u> nbn needs to verify that the cause of the failure to achieve the PIR Objective is on the nbn network or in nbn's control before it is liable to pay this rebate. However, once this is verified, the rebate will be payable from the time of Acknowledgement of the Trouble Ticket to cater for the time lapse.</p> <p>A rebate that scales upwards the longer that a service is in Remediation should ensure that nbn is incentivised to prioritise the service delivery accordingly.</p>	Month	Rebate	0-3	\$10 per month	4-6	\$15 per month	>6	\$20 per month
Month	Rebate									
0-3	\$10 per month									
4-6	\$15 per month									
>6	\$20 per month									
<p>FTTN/B/C underperforming speed rebate</p>	<p><i>"... the draft FAD proposed a rebate for each month that the downstream PIR that a FTTN/B/C service is capable of achieving is below the upper range of the lower service tier. That is, where it is less than:</i></p> <ul style="list-style-type: none"> <i>50 Mbps for an AVC with a PIR of up to 100 Mbps,</i> 	<p><u>Commitments as part of this WBA4 proposal:</u> nbn proposes as part of this overall WBA4 package:</p>								

Item	ACCC Position Paper	WBA4 proposal
	<ul style="list-style-type: none"> • 25 Mbps for an AVC with a PIR of up to 50 Mbps, and • 12 Mbps for an AVC with a PIR of up to 25 Mbps <p><i>The ACCC's view on rebate amounts is that a \$20 rebate amount is likely to be appropriate for all instances of service speed underperformance.</i></p> <p><i>The ACCC considers that measurement of the speed objective and commitment for fixed line services should be with respect to monthly average downstream PIR rather than simply downstream PIR. We agree with the submission made by NBN Co that the rebate should not capture services that underperform periodically throughout the month.</i></p> <p><i>We no longer propose a speed commitment of 12 Mbps (downlink) for an AVC-T4 with a maximum achievable PIR (downstream) of up to 25 Mbps as this speed tier is already covered by the PIR Objective.</i></p> <p><i>The ACCC's view is that the speed assurance provisions should not apply to AVC TC-4 services required to support an AVC TC-2 bandwidth profile supplied in respect of the same premises. We note that TC-2 services are used for business services, and not the residential services which are the focus of the current inquiry.</i></p> <p><i>For fixed line services our view is that the speed assurance rebate should not apply in circumstances where:</i></p> <ul style="list-style-type: none"> • an access seeker or end-user fails to cooperate with NBN Co in relation to remediation activities, or • an access seeker does not allow NBN Co to downgrade an underperforming fixed line service to avoid paying a rebate in the subsequent month. 	<ol style="list-style-type: none"> 1. Using Dynamic SQ, nbn will make Historical Supported Speed (HSS) information available to RSPs at the time of placing a connection order. 2. The availability of HSS will be determined by the presence of an Assured Rate field in the SQ to RSPs. This represents the threshold under which nbn will allow an RSP to raise a Performance Incident, and also forms part of the Dynamic SQ inaccuracy threshold. The HSS is generally only available for premises that have already had a service connected to the nbn network. 3. If the RSP chooses to order a service at 25-50 or 25-100 Mbps bandwidth profiles despite the Assured Rate being below the ACCC speed expectation (i.e. at least 50% of the speed tier maximum) for the relevant bandwidth profile, then no rebate will be payable. 4. If an Assured Rate is not available via Dynamic SQ at the time of placing a connection order and the line cannot achieve the ACCC speed expectation, nbn will provide a once-off \$20 rebate. 5. Where an Assured Rate is available via Dynamic SQ at the time of placing a connection order, but proves to be inaccurate and the line cannot achieve the Assured Rate, and the RSP has ordered a service for which the line cannot achieve the ACCC speed expectation, nbn will also provide a once-off \$20 rebate to the RSP to compensate the RSP for having to contact the customer and potentially change plan. 6. The rebate will be paid automatically with no requirement for the RSP to claim it. There will be no requirement for the RSP to pass-through this rebate to customers as the rebate is for the RSPs in recognition of the effort taken to manage the customer in accordance with the ACCC's Broadband Speed Claims Guidance. <p><u>Rationale for these changes:</u></p> <p>This a fair approach which enables RSPs to make informed choices working with their end users. Under this approach, the RSP either receives the information from nbn it needs before placing a connection order (and can make an informed choice up front as to what bandwidth profile to order) or nbn will compensate the RSP for the effort to manage the customer in</p>

Item	ACCC Position Paper	WBA4 proposal
	<p><i>We accept NBN Co's arguments in relation to its obligation to pay a rebate in circumstances where it is unable to properly test a line or determine the causal location of the speed issue because of a lack of access to the end-user premise.</i></p> <p><i>We consider it reasonable that NBN Co not be required to pay a rebate in circumstances where it is not allowed (by the RSP) to downgrade an underperforming service or where it is unable to remediate the service because of the actions of the end-user."</i></p>	<p>accordance with the ACCC's Broadband Speed Claims Guidance where the line cannot achieve the ACCC speed expectation for the 25-50 or 25-100 Mbps bandwidth profile.</p> <p>Importantly, RSPs have the ability to manage their customer as they see fit, which enables RSPs to operate consistently with the ACCC Broadband Speed Claims Guidance. This includes nbn still providing support for and encouraging RSPs to raise performance incidents where the Assured Rate is not met. nbn notes the ACCC's view that a 12Mbps downlink speed commitment is no longer required in relation to the 25Mbps speed tier, as this is addressed by the PIR Objective rebate.</p>
<p>Availability of speed reports in connection with PIR Objective and FTTX Speed Performance rebates</p>	<p><i>"For fixed line services, we consider that NBN Co should provide timely and reliable service speed information to RSPs."</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn proposes as part of this overall WBA4 package:</p> <ol style="list-style-type: none"> 1. A Line Rate Report will be available on a daily basis with information to help RSPs manage service speeds post connection. <p>In addition to the commitment above, the following will also be implemented:</p> <ol style="list-style-type: none"> 2. RSPs acquiring a service will also be able to view HSS information in Service Health Summary in near real time, and the next day via Service Health Reporting for any of their active services after a line has been connected and is transmitting data. 3. Once sufficient data has been collected for a service, nbn establishes the Assured Rate for the line on approximately day 10 and makes the HSS and Assured Rate available via Dynamic SQ for prospective RSPs after approximately 21 days.
<p>Fixed Wireless underperforming speed rebate</p>	<p><i>"For fixed wireless services, the draft FAD proposed the introduction of a fixed wireless rebate, requiring NBN Co to pay a \$20 payment to RSPs for each end-user service within a fixed wireless cell where the 30 day average busy hour speed falls below the 6 Mbps design metric or where the cell is served by any backhaul link(s) with greater than 0.25 per cent packet loss.</i></p> <p><i>For fixed wireless services, our view is that the \$20 rebate amount in the draft FAD is appropriate.</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn will pay a \$20 rebate for each month for each fixed wireless AVC TC-4 Product Component that is supplied using a wireless network cell that is Persistently Congested during that month.</p> <p>Persistently Congested during a month means:</p> <ol style="list-style-type: none"> 1. that Wireless Network cell is connected to a Point of Interconnection by a transmission backhaul link that is reported by nbn as having an Average Busy Hour

Item	ACCC Position Paper	WBA4 proposal
	<p><i>In relation to fixed wireless services, we consider that NBN Co should be able to propose alternative metrics that it considers to be more reflective of the end-user customer experience on its fixed wireless network to trigger the fixed wireless rebates. These would replace the current cell congestion and backhaul congestion metrics, following consultation with access seekers. For example, NBN Co has identified there is potential in some circumstances for its backhaul congestion metric to identify additional backhaul links beyond those actually congested.</i></p> <p><i>Additionally, the ACCC accepts NBN Co’s drafting suggestion that would mean the fixed wireless rebate calculations align with NBN Co’s reporting cycles and can be operationalised.</i></p> <p><i>As with other rebates, we maintain the view that NBN Co should be required to pay the rebate directly to RSPs without the need for them to submit a claim.”</i></p>	<p>Link Packet Loss of 0.25% or more for the last Link Packet Loss Reporting Period ending in that month; or</p> <ol style="list-style-type: none"> 2. the Average Downlink Throughput of that Wireless Network cell is reported by nbn as being less than 6 Mbps for the last Downlink Throughput Reporting Period ending in that month. <p>To enable nbn and RSPs to establish an alternative metric that better reflects the experience of end users, nbn may amend the Persistently Congested definition after consulting with RSPs for a period of at least 4 weeks and providing RSPs with at least 30 business days’ notice of the change.</p> <p><u>Rationale for these changes:</u> nbn considers that the approach proposed in WBA4 aligns with the ACCC’s proposed position.</p>
<p>Fixed Wireless maximum attainable speed information</p>	<p><i>“[NBN Co should] provide maximum attainable speed data, post-connection.</i></p> <p><i>We consider that requiring NBN Co to provide RSPs with maximum attainable speed data for fixed wireless services (as it does for FTTN/B/C services) will enable RSPs to provide better and more accurate information about these services to individual customers. It will also promote better selling practices in accordance with the ACCC’s broadband speed claims industry guidance. In response to NBN Co’s submission that the maximum attainable speed measurement is inherently limited,</i></p>	<p>nbn maintains the view that the maximum attainable speed when a Fixed Wireless service is first connected is not a meaningful piece of information due to the inherent problems as expressed in our previous written submissions.</p> <p>However, nbn recognises that RSPs need access to relevant, timely information about the quality of the services that they supply to end-users. To that end, nbn is investigating the provision of granular, regularly updated visibility of actual service performance to RSPs. We are still scoping out the IT and data requirements for this initiative, but consider that this would deliver more relevant and actionable information for RSPs than a static view of maximum attainable speed.</p>

Item	ACCC Position Paper	WBA4 proposal
	<p><i>we note that NBN Co could provide appropriate qualifications on the measurement methods used.”</i></p>	
<p>Fixed Wireless Reporting</p>	<p><i>“In respect of fixed wireless services, the draft FAD terms required NBN Co to provide weekly performance reporting by 2 business days after the end of each week that includes fixed wireless congestion metrics and NBN Co’s plans to remediate congested fixed wireless cells and congested backhaul links. The draft FAD terms also required NBN Co to provide prospective fixed wireless performance information to RSPs to enable them to identify whether prospective fixed wireless end-users are likely to be located within a congested cell.</i></p> <p><i>We consider [there should be] a requirement for NBN Co to provide weekly fixed wireless performance reporting by 2 business days after the end of each week that includes fixed wireless congestion metrics and NBN Co’s plans to remediate congested fixed wireless cells and congested backhaul links.</i></p> <p><i>In relation to fixed wireless services, we consider that NBN Co should be able to propose alternative metrics that it considers to be more reflective of the end-user customer experience on its fixed wireless network to trigger the fixed wireless rebates. These would replace the current cell congestion and backhaul congestion metrics, following consultation with access seekers. For example, NBN Co has identified there is potential in some circumstances for its backhaul congestion metric to identify additional backhaul links beyond those actually congested.”</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u> nbn proposes as part of this overall WBA4 package:</p> <ol style="list-style-type: none"> 1. We will commit to providing fixed wireless backhaul reporting on a similar basis to the voluntary reporting we have been providing for the past year. We will continue to commit to provide the existing fixed wireless radio access network (RAN) performance information. 2. However, there are limitations to the backhaul reporting as it currently captures some backhaul links which are not subject to congestion and needs to be refined, so this needs to be clarified in WBA4. 3. We would also need to ensure that there was an appropriate process in WBA4 which allows the fixed wireless metrics that nbn reports on to be updated if nbn develops an improved metric than the current packet loss measure. Likewise, should an improved metric be developed that covers what is currently provided in the RAN reporting, we would need a mechanism that allows that reporting to change as well. <p><u>Rationale for these changes:</u> nbn has been happy to provide the fixed wireless backhaul information to RSPs on a voluntary basis since the need to do so was identified last year. The proposal above confirms that this voluntarily provided information will continue to be provided to RSPs under WBA4, but that there will be a process to allow this reporting to be updated should more appropriate network performance metrics be developed.</p>

Item	ACCC Position Paper	WBA4 proposal
Rebate pass-through	<p><i>"...our view is that there should not be a general pass through requirement for rebates imposed at the wholesale level, except in the case of missed appointments.</i></p> <p><i>However, consumers should receive the benefit from rebates paid to RSPs. There is a clear consumer benefit to allowing RSPs to offer differentiated, tailored and innovative remedies to consumers in cases of consumer detriment. These should be supported by wholesale rebates where service issues are caused by NBN Co missing its service levels. In many cases, this benefit may arise instead of, or in addition to, direct financial compensation.</i></p> <p><i>... While some RSPs will offer direct compensation to affected consumers, it may be better and more efficient to allow them the flexibility to determine remedies based on the customers' particular experiences, and where practical, offering consumers a choice between financial compensation and other remedies."</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>As described above, nbn has included provisions that require a fair value benefit pass-through of some of the rebates that will be included as part of the overall package. We consider that this is an important measure to ensure that consumers actually receive the benefit from rebates that are paid to RSPs.</p> <p>We will develop guidance as to what types of pass-through are considered fair value pass-through in consultation with RSPs.</p> <p><u>Rationale for the change:</u></p> <p>To provide RSPs with confidence in how to comply without impacting RSP innovation.</p>
Service Level Exclusions	<p><i>"The draft FAD terms stated that NBN Co may only 'stop the clock' in its measurement of connection and fault rectification service levels to the extent that these are affected by:</i></p> <ul style="list-style-type: none"> <i>• an end-user's request to change the date of an appointment</i> <i>• a 'pending' status on a ticket awaiting action from the RSP or end-user</i> <i>• acts of the RSP, downstream providers, or end-users that are not in accordance with the WBA terms or that are unlawful – including refusing NBN Co access to premises</i> <i>• multi-dwelling unit equipment or in-building wiring issues</i> 	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn may only 'stop the clock' in its measurement of End User Connection service levels and End User Fault rectification service levels to the extent that nbn's performance of those activities is affected by the following matters:</p> <ol style="list-style-type: none"> 1. any of the matters set out in the ACCC's Draft FAD; 2. the RSP selecting an appointment that is not the earliest available appointment for that End User Connection or End User Fault rectification activity; 3. a trouble ticket having a 'resolved' status; 4. any act or omission of RSP, any Downstream Service Provider or any End User in connection with moving, removing or altering any part of the nbn™ Network or installing nbn™ Equipment other than in accordance with any associated terms of supply, installation or use or any applicable Authorisation to Alter Document;

Item	ACCC Position Paper	WBA4 proposal
	<ul style="list-style-type: none"> • <i>issues caused by the network, systems, equipment or facilities of the RPS, downstream provider, or end-user, or</i> • <i>a force majeure event.</i> <p><i>Additionally, the draft FAD terms stated that NBN Co must also clearly log when any of these exclusions are relied upon.</i></p> <p><i>We maintain the view that there should be an exhaustive list of exclusions that NBN Co may rely on to ‘stop the clock’ on its measurement of service levels for connections and faults. This is important to promote clarity over which party is responsible for carrying forward operational processes relating to connections and faults. Building IT capability so RSPs are aware of when an exclusion is relied on should also be pursued at an appropriate time.</i></p> <p><i>We accept NBN Co’s submission that there are additional exclusions should also be included so that this term better aligns with the roles and responsibilities of NBN Co and RSPs that current apply under the WBA.”</i></p>	<ol style="list-style-type: none"> 5. any inability of nbn or its Personnel to gain access to a location necessary to perform works; 6. in respect of the FTTC Network, any withdrawal of an In-Building Wiring Consent; 7. the relevant Ordered Product being subject to any Ordering Freeze, Service Reduction or Suspension that has been validly imposed by nbn in accordance with the WBA; 8. in respect of nbn™ Ethernet (Satellite): <ol style="list-style-type: none"> (i) nbn or its Personnel not being able to make contact with the Appointment Representative to schedule an appointment in accordance with the WBA; (ii) any de-prioritisation, reduction of maximum data transfer rate, rejection of order, rejection of modification or suspension that has been validly applied in accordance with the WBA; (iii) any issues inherent in the Satellite Network (including Satellite Limitations); or (iv) any End User Connection or End User Fault activity that relates to the first Satellite Test Service supplied to RSP; 9. any failure of, or inability to supply products, services, facilities or infrastructure by, a third party where the third party is unable to perform its obligations to nbn as a result of an event that would have otherwise constituted a Force Majeure Event if the obligations to be performed by the third party had arisen under the WBA; 10. the implementation of any Upgrade or relocation or replacement of any POI or Temporary POI in accordance with the WBA; 11. any inaccuracy, incompleteness, inadequacy in performance or unavailability of the FNN/ULL Database; 12. obtaining a Government Agency approval, permit or licence; 13. an electricity company, utility or other third party performing any works or providing any other inputs, including as part of any design process conducted in conjunction with nbn; 14. a Monitoring Status being applied to any Trouble Ticket; 15. a Held Status being applied to any order or Trouble Ticket for nbn to perform any Design Site Qualification, a Network Activity or Interference Mitigation; or

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		<p>16. any other matter, thing, event or circumstance as determined by nbn from time to time provided that:</p> <ul style="list-style-type: none"> (i) nbn has first consulted with WBA customers in relation to nbn's proposal to extend the period for measuring End User Connection and End User Fault rectification service levels in response to that matter, thing, event or circumstance; (ii) nbn has informed the ACCC of the outcome of nbn's consultation with Access Seekers; and (iii) the ACCC does not notify nbn that the ACCC objects to nbn proceeding with its proposal. <p>nbn confirms this is an exhaustive list of exclusions for End User Connection and End User Fault rectification service levels. For clarity, this list does not limit the exclusions that nbn may apply to the measurement of any other service levels, including in respect of Appointments related to End User Connections or End User Faults.</p>
<p>Real time order and incident information</p>	<p><i>"In the draft decision we considered that, as a general principle, NBN Co should record service specific information about the progress of appointments, connections and faults and make this available to access seekers in a way that is accurate, timely and accessible. This should include whether a relevant service level has been missed and be able to be used by RSPs to inform end-users where appropriate.</i></p> <p><i>The ACCC draft FAD terms required NBN Co to have IT systems in place to automate the transfer of all regular and ongoing operational information provided to RSPs. Where relevant operational information is not yet automated, NBN Co would maintain an IT roadmap setting out timeframes for the consultation and development of IT systems with this capability.</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn proposes as part of this overall WBA4 package:</p> <ol style="list-style-type: none"> 1. To accompany existing 'near to real time' reporting for connections and faults, nbn will provide RSPs with a new "Supplementary Service Level Report which will contain details regarding nbn's performance at a greater level of granularity. This reporting will be subject to WBA Standard Process change rights and processes. 2. SLA outcomes and exclusion data and reporting in nbn's Service Portal and the B2B system via operational changes, rather than WBA4 commitments. 3. We will also deliver service level reports via B2B APIs for a more seamless, easier to consume format for RSPs. New weekly service level reports will be provided to RSPs via the Customer Centre which is an expansion of our current monthly commitment. <p><u>Rationale for these changes:</u></p>

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	<p><i>We consider that the provision of operational information via automated IT systems is important for good consumer outcomes and should continue to be a focus for improvement. This is essential for RSPs to be able to manage end-user services, keep end-users informed of the status of their services, and improve on their own systems and processes. Our draft decision identified a number of information types that we considered should be incorporated into automated IT systems. We consider these should be pursued at an appropriate time once NBN Co resumes business as usual operations. There should also be a general presumption that where information about wholesale services is provided on a regular basis, that this be integrated within NBN Co’s B2B access and service portal or other B2B systems so it can be made use of by RSPs.”</i></p>	<p>This new reporting commitment will enable RSPs to better manage customer expectations by providing information RSPs can use to keep customers updated on the progress of their connect orders and incidents along with setting expectations on applicable rebates RSPs and customers can expect to receive.</p>
<p>Service Level reporting</p>	<p><i>“The draft FAD terms included that NBN Co would provide monthly reporting to RSPs within 10 business days of the relevant month. The terms specified that NBN Co would report its performance for each service level activity completed for the RSP, as well as NBN Co’s performance across all RSPs, broken down by location, service class and network (where applicable).</i></p> <p><i>We consider NBN Co should clearly commit to reporting on its performance in respect of each service level activity</i></p> <p><i>[NBN Co’s concern] could be addressed by including a condition that NBN Co is not required to provide reporting to the extent that it would disclose information that is confidential to an access seeker.”</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u> nbn proposes to adopt all changes proposed by the ACCC except where aggregating reporting results in nbn disclosing Confidential Information of an RSP (e.g. Priority Assistance).</p>

Item	ACCC Position Paper	WBA4 proposal
Support for safeguards	<p><i>“We consider that NBN Co should make a clear commitment to access seekers that if changes are made to the consumer safeguards framework during the term of an access agreement, further discussions will take place to assess the need for wholesale terms to be updated to provide additional support required for RSPs to meet their safeguard obligations. If negotiations proceed, they should occur within a reasonable timeframe and in good faith.”</i></p>	<p><u>Commitments as part of this WBA4 proposal:</u></p> <p>nbn proposes to provide RSPs with a contractual commitment to conduct a 4 week consultation period with RSPs with respect to potentially changing the WBA if a Regulatory Event occurs and the RSP identifies that they cannot comply with an obligation imposed under an applicable law as a result of a Regulatory Event and comply with the WBA, unless the WBA is changed.</p>

Additional Commitments offered by nbn as part of WBA4

nbn is also proactively developing a large number of additional commitments which **nbn** intends to offer as part of WBA4 which will benefit RSPs and end users in the longer term, as summarised below. These items must be taken into account in assessing this WBA4 package as many of these items come at a significant cost and result in trade-offs against some of the other items proposed in the Public Inquiries. These are not commitments that **nbn** is obliged to make, but are investments **nbn** has proactively chosen to offer because we believe will they help improve the customer experience and/or reduce costs and complexity for industry. As noted previously, **nbn** has been guided by customer experience in weighing up the appropriate ways to focus our investments. These items are not yet finalised and are subject to WBA4 negotiations.

No.	Description
1.	Service Health Summary: nbn will commit to providing all RSPs with access to the Service Health Summary (SHS). The SHS is a new test and diagnostic tool that will provide RSPs with a quick, simple and accurate view of the ‘health’ of their nbn service. It will serve as an indispensable precursor to assurance processes, including Performance Assurance. The SHS will be backed with new availability and response time SLAs to ensure RSPs have confidence in the reliability and efficiency of the new system. The SHS will also assist the industry in reducing the number of instances of No Fault Found and Repeated Faults, which will remove cost and waste out of the nbn ecosystem. Under WBA4, the SHS will initially be available for nbn ™ Ethernet over the nbn FTTN/B/C and HFC networks (and subsequently for nbn ™ Ethernet over the other access technologies over time).
2.	6-day per week assurance appointments for residential customers in Urban areas: nbn will offer assurance related appointments on a 6-day per week basis in Urban areas at no additional charge to the RSP or customer. nbn is also actively considering offering 6-day per week assurance-related appointments for Rural areas based on future demand and we are continuing to assess this. Saturday appointments will be especially popular with Urban residential customers, who value convenience, and will therefore improve CX outcomes. It will also help manage the levels of demand for appointments on Mondays and Tuesdays, which are in high demand owing to the unavailability of appointments on a Saturday. Under WBA4, Saturday appointments in Urban areas for assurance activities (and Rural areas based on demand) will initially be available for “standard faults” (i.e. excluding “Performance Incidents”) for nbn ™ Ethernet (and potentially more broadly in the future).
3.	RSP ability to cancel, reschedule or update an appointment up to 4 hours (not 1 business day) before time of appointment: Under WBA4, RSPs will have the ability to cancel appointments up to 4 hours before the time of the appointment. This is down from 1 business day under WBA3. This will provide RSPs with more flexibility in supporting customers needing to reschedule or cancel their appointments at short notice. It will reduce the number of wasted trucks rolls that occur when appointments can’t be kept by the customer or cancelled/rescheduled by the RSP given the notice requirement. It will ensure that appointments, which are a scarce resource, are less likely to be wasted and can be made available for customers that are able to use them. It will also reduce the number of instances in which Late Cancellation charges might be levied (if and when they are applied.) This change will be available for all standard appointments in connection with nbn ™ Ethernet over the nbn ™ Fibre, FTTN/B/C and HFC networks.

No.	Description
4.	Improved Trouble Ticket closure process and associated codes: nbn will provide more granular, supplementary information to RSPs in respect of trouble ticket resolution, to assist the RSP in understanding the next best action or the specifics of information to communicate with customers, as well as manage compliance with retail contracts and regulations.
5.	Future Remediation Framework (aka “Network Activity”): nbn will run Remediation under a fully redesigned process that uses a new parent / child ticket management system. This system will reduce RSP costs and operational burdens by eliminating the need for RSPs to track multiple tickets to understand the status of Remediation activity. It will also provide RSPs with improved network visibility, including the ability to determine where Remediation activity is affecting more than one service. In addition, the redesign of the Remediation processes will provide RSPs with clearer, more regular and more meaningful status updates, which in turn will enable them to better manage their customers’ expectations.
6.	Customer BYO modem performance information: Where nbn detects that a variant of customer-supplied (BYO) modem is performing poorly, nbn will inform the RSP, in which case the RSP is required to inform the customer at the next end user contact event that their modem might be adversely affecting the speed and stability of their nbn™ powered retail service. Raising customer awareness of issues being driven by the customer’s own modem choice is important and valuable, and can lead to improved service performance outcomes.
7.	nbn to provide free RSP modem fleet performance reports and free RSP modem testing services: nbn will provide RSPs with regular modem fleet performance reports for FTTN/B modems deployed on the nbn™ FTTN/B network. These reports will detail speed and stability performance versus the minimum quality standards and compared to whole of base performance. In addition, nbn will offer free RSP modem testing services to RSPs, at suitable test facilities, for new, to-be-deployed modems on the nbn™ FTTN/B network (subject to reasonable use limitations). These services will test modems against nbn’s minimum quality standards to assist in identifying potentially underperforming RSP-supplied modems prior to large scale deployment on the nbn™ FTTN/B network.
8.	Simplify CSG Compensation claims process: nbn will no longer require RSPs to provide nbn with the apportioned amount of CSG Compensation they believe nbn needs to pay them. Rather, RSPs will be able to provide nbn with the full amount of CSG they have paid to their customers and nbn will take accountability for determining the apportioned amount. This will reduce RSP overheads, complexity and operational burdens.
9.	Improved CVC Modification SLA: nbn will reduce the Service Level for CVC Modifications to 1 Business Day (under WBA4) from 5 Business Days (under WBA3). This will enable RSPs to manage their capacity near real-time.
10.	New Performance Objective for the NPIS availability: nbn will introduce a new Performance Objective of 99% for Appointment lodgement (Appointment received from RSP to Appointment Reserved notification sent to RSP by nbn). This is a new Performance Objective under WBA4; there is no equivalent under WBA3.
11.	Improved Completion Advice Performance Objectives: nbn will increase the performance objective Completion Advices delivered within 30 minutes from the time of completion of the End User Connection (FTTN and FTTB) to 70% or more (up from 50% or more). With Completion Advices delivered within 30 minutes from the time of completion of the service transfer increasing to 90% or more (up from 50% or more).

No.	Description
12.	Sharing of RSP submissions to WBA and PDF consultations: nbn already enables RSPs to have non-confidential submissions to WBA consultation shared via the MSFAAF. Similarly, non-confidential submissions to PDF consultations are made available on the PDF Portal. To improve RSP confidence in this process, nbn is looking to enable self-publication by RSPs of non-confidential PDF responses.
13.	Consolidate appointment-related processes in the WBA Operations Manual for simplicity: nbn will redraft the WBA Operations Manual to consolidate the appointment-related processes in one chapter. This will make it clearer and simpler for those who rely on these processes on a day-to-day basis, as well as create a shorter, easier to manage and less duplicative WBA Operations Manual.
14.	Improve WBA-related communications with RSPs: The nbn Wholesale Supply team will progressively adopt existing digital channels to manage WBA-related contract communications with RSPs. One of the goals is to move the management of the WBA out of email inboxes and into the nbn Customer Centre. This will ensure that all RSPs have a “one stop shop” via the nbn Customer Centre for the key contract communications between nbn and RSPs, including new contracts, EOIs, consultations, change notices and other contract notices. This will improve efficiency, accessibility, and manageability of WBA-related contract communications, as well as removing key-person risk that exists in the current email-centric approach, which is especially important given the resourcing pressures within nbn and RSP organisations.
15.	WBA4 transition: it is nbn’s intention to support RSPs in implementing specific WBA4 changes via an incentive program. nbn intends to provide co-funding to RSPs to assist in implementing these changes providing RSPs with a more seamless transition and provide a faster evolution within their organisation to WBA4. The funding may be available across multiple business functions (e.g.: CX, reporting, improving assurance related capabilities). A full list will be available closer to the WBA4 effective date.