

Dark Fibre Record-Keeping and Reporting Rules

**Issued under section 151BU of the
*Competition and Consumer Act 2010***

February 2019

1. TITLE

- (1) These Rules, made by the Australian Competition and Consumer Commission (ACCC) under section 151BU of the *Competition and Consumer Act 2010*, may be referred to as the Dark Fibre Record-Keeping and Reporting Rules.

2. COMMENCEMENT

- (1) These Rules will take effect on the date they are published by the Commission on its website.

Note: The Commission will issue the Rules by making a public announcement and placing the Rules on its website.

3. INTERPRETATION

AAPT	means AAPT Limited (ABN 22 052 082 416)
Access Seeker	has the same meaning as in section 152AG of the Act.
Act	means the <i>Competition and Consumer Act 2010</i> .
Commission	means the Australian Competition and Consumer Commission.
Dark Fibre	An unlit strand of optical fibre that is terminated at each end on an Optical Distribution Frame (ODF), located at the Service Provider's Points of Interconnect (POIs).
Link	means part of an optical fibre communications system which provides a data connection between two points (<i>point-to-point connection</i>).
List price	means the price at which a product is sold to a customer in the wholesale market.
NBN	means National Broadband Network.
NBN Co	means NBN Co Limited (ACN 136 533 741).
Nextgen	means Nextgen Pty Limited (ABN 52 143 407 621).
ODF	An Optical Distribution Frame (ODF) is a frame used to provide cable interconnections between communications facilities.
POI	A Point of Interconnection (POI) is the inter-network location where end-user traffic is handed over from the NBN onto an Access Seekers' own network or onto an Access Provider's network for transport to the retail service provider's point of presence.

POP	A Point of Presence (POP) is a point or network interface at which a service provider hands off its service to the end-user.
Reference Date	means the last day of a calendar quarter (i.e. 31 March, 30 June, 30 September, 31 December) for a Reporting Period ending on that date.
Reporting Service provider	means a service provider to which these Rules apply, to the extent it is required to report.
Reporting Period	means the last day of a calendar quarter (i.e. 31 March, 30 June, 30 September, 31 December).
Rules	means the Dark Fibre Record-Keeping and Reporting Rules.
Singtel Optus	means Singtel Optus Pty Limited (ABN 90 052 833 208).
Superloop	means Superloop (Australia) Pty Limited (ABN 86 602 286 608).
Telstra	means Telstra Corporation Limited (ABN 33 051 775 556).
TPG	means TPG Telecom Limited (ABN 46 093 058 069).
Vocus	means Vocus Group Limited (ABN 96 084 115 499).

4. APPLICATION

- (1) These Rules apply to:

Telstra Corporation Limited (ABN 33 051 775 556)
AAPT Limited (ABN 22 052 082 416)
TPG Telecom Limited (ABN 46 093 058 069)
Nextgen Pty Ltd (ABN 52 143 407 621)
Vocus Group Limited (ABN 96 084 115 499)
Singtel Optus Pty Limited (ABN 90 052 833 208)
Superloop (Australia) Pty Limited (ABN 86 602 286 608)

- (2) These Rules also apply to a service provider that supplies dark fibre and has been provided no less than two months' notice in writing by the Commission that the Rules apply to that service provider. The Commission must specify, in the written notice, the categories of information prescribed in **Schedule A** that will apply to the service provider. The written notice must be published on the Commission's website.

5. RECORD KEEPING

- (1) Service providers listed in Paragraph 4(1), or to which Paragraph 4(2) applies, must keep and retain the records prescribed in **Schedule A**.
- (2) The information that must be contained in the records kept in accordance with **Schedule A**, and the manner and form in which it is to be kept, is specified in **Schedules B and C**.

6. REPORTING REQUIREMENTS

- (1) A service provider must provide to the Commission for each Reporting Period a report that consists of the information required to be kept under Rule 5.
- (2) A report must be lodged with the Commission by within 60 calendar days of the Reference Date of each quarterly Reporting Period.
- (3) A report must be prepared and submitted electronically in a Microsoft Excel format, or as otherwise specified on the Commission's website.
- (4) A report must be provided to the Commission by email to DarkFibreAggregationServices@accc.gov.au, or as otherwise specified on the Commission's website.
- (5) The format referred to in **Schedule D** may be amended by the Executive General Manager of the Infrastructure Regulation Division from time to time.
- (6) The ACCC must provide the service providers listed in Paragraph 4(1), or to which Paragraph 4(2) applies, with written notice of any amendment under sub-rule (5) and published on the Commission's website.

Schedule A

Information to be recorded by service providers under these Rules

<i>Category No.</i>	<i>Category name</i>	<i>Service providers covered by each category</i>	<i>Reporting requirements outlined in:</i>
(1)	Service provider currently supplying dark fibre services connected to NBN POIs to third parties	AAPT, TPG, Nextgen, Vocus Superloop and any other Carriage service provider given notice in accordance with Rule 4(2) that this category of information applies to it.	Schedule B
(2)	Service provider with dark fibre connected, or able to be connected, to NBN POIs, but not currently supplying services using that dark fibre to third parties	Singtel Optus, Telstra and any other Carriage service provider given notice in accordance with Rule 4(2) that this category of information applies to it.	Schedule C

Schedule B

Dark fibre information to be reported by service providers supplying dark fibre to NBN POIs

- (1) For each Reporting Period, the service providers listed in Category (1) of **Schedule A** must provide to the Commission the information set out in paragraph (2) below, in accordance with the template set out in section 1 of **Schedule D**.
- (2) For service providers currently supplying dark fibre to NBN POIs, the service provider must state:
 - (a) The specific NBN POIs (by POI name and state or territory in which the POI is located) at which dark fibre is owned by the provider as at the Reference Date.
 - (b) The name of each Access Seeker being supplied dark fibre as at the Reference Date.
 - (c) For each Access Seeker in (b) as at the Reference Date:
 - a. the number of Links supplied
 - b. the distance of each Link
 - c. the NBN POI at which the Links are terminated.
 - (d) The prices charged (\$AUD) for each Link in (b) and (c) for the Reporting Period.
 - (e) Any wholesale List prices for each Link in (a) as at the Reference Date.

Schedule C

Dark fibre information to be reported by service providers with dark fibre connected, or able to be connected, to NBN POIs, but not currently supplying services using that dark fibre to third parties

- (1) For each Reporting Period, the service providers listed in Category (2) of **Schedule A** must provide to the Commission the information set out in paragraph (2) below, in accordance with the template set out in section 2 of **Schedule D**.
- (2) For service providers with dark fibre connected, or able to be connected, to NBN POIs, but not currently supplying services using that dark fibre to third parties, the service provider must state:
 - a. The specific NBN POIs (by POI name and state or territory in which the POI is located) at which dark fibre is available as at the Reference Date.
- (3) For each POI in 2(a) as at the Reference Date:
 - a. the number of Links owned
 - b. the distance of each Link
 - c. the NBN POI at which the Links are terminated.
- (4) Any wholesale List prices, for the Links listed in (3) as at the reference date.

Schedule D

Templates for submission of reports

Dark Fibre Record-Keeping and Reporting Rule

Spreadsheet for submission to the ACCC

Issued under s151BU of the Competition and Consumer Act 2010

Reporting service

provider: *(please complete)*

Reporting Period and

Year:

Spreadsheet Table of Contents:

Service Information

- 1 *Service providers supplying dark fibre to NBN POIs*
Service providers capable of, but not currently supplying dark fibre to NBN
- 2 *POIs*

Instructions

This spreadsheet forms part of the Dark Fibre Record-Keeping and Reporting Rule. It is designed to provide a template for submission of information and is not a complete statement of obligations under the rule.

Please complete each relevant section and submit as one Microsoft Excel file.

The following table illustrates those sections of the spreadsheet that each type of reporting service provider is required to complete:

Reporting Type	Required to complete
<i>Service providers supplying dark fibre to NBN POIs</i>	1
<i>Service providers capable of, but not currently supplying dark fibre to NBN POIs</i>	2

1. Service providers supplying dark fibre to NBN POIs

a) NBN POIs at which dark fibre is available, as at Reference Date

State	NBN POI	Wholesale list price (\$AUD)

b) Dark fibre provided to Access Seekers

Access seeker	Number of Links provided	Distance of Link (km)	Fibre termination point (state)	Fibre termination point (POI name)	List price (\$AUD)*

* Measured over the quarterly reporting period

2. Service provider with dark fibre connected, or able to be connected, to NBN POIs, but not currently supplying services

State	NBN POI	Number of Links owned	Distance of Link (km)	Fibre termination point (state)	Fibre termination point (POI name)