

NBN Wholesale Aggregation Services Record-Keeping and Reporting Rules

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

February 2019

1. TITLE

These Rules, made by the Australian Competition and Consumer Commission under section 151BU of the *Competition and Consumer Act 2010*, may be referred to as the NBN Wholesale Aggregation Record-Keeping and Reporting Rules.

2. COMMENCEMENT

(1) These Rules will take effect on the date the Rules are issued by the Commission.

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> .
AVC	means Access Virtual Circuit as defined in an applicable Standard Form of Access Agreement.
Aussie Broadband	means Wideband Networks Pty Limited (ABN 11 097 649 851).
Commission	means the Australian Competition and Consumer Commission.
CVC	means Connectivity Virtual Circuit as defined in an applicable Standard Form of Access Agreement.
iBoss	means Symbio Wholesale Pty Limited (ABN 75 136 972 355).
Layer 2	The Data Link Layer of the open systems interconnection model. The data link layer provides a connection between two fixed end points in a network to facilitate the transmission of data traffic.
Layer 3	The Network Layer of the open systems interconnection model. The network layer provides a switching function that enables the routing of traffic to its destination address.
List price	means the price at which a product is sold to a customer in the Wholesale or Retail market.
Mbps	means megabits per second, and is a data communications transmission rate of one million bits per second.
NBN	means National Broadband Network.
NBN Co	means NBN Co Limited (ACN 136 533 741).

NBN Wholesale Aggregation Services	NBN wholesale aggregation services involve the supply by a service provider of NBN wholesale access services in conjunction with a service provider's wholesale transmission services. Other service provider wholesale services such as voice, video and internet interconnection services may be included.
Nextgen	means Nextgen Pty Ltd (ABN 52 143 407 621).
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 these NBN Wholesale Aggregation Record-Keeping and Reporting Rules.
Retail SIO	means, in respect of a carriage service provider, an active telecommunications service in operation that is being supplied by the carriage service provider to one of its own directly connected customers.
Singtel Optus	means Singtel Optus Pty Limited (ABN 90 052 833 208).
SIO	means an active telecommunication service in operation that is being supplied by the Access Provider.
Speed tiers	means the download Data Transfer Rate (speed) tiers specified in NBN Co's applicable Standard Form of Access Agreement.
Standard Form of Access Agreement	refers to NBN Co's standard forms of access agreement, published on its website, that relate to the supply of the relevant products and services to Access Seekers.
Telstra	means Telstra Corporation Limited (ABN 33 051 775 556).

TPG	means TPG Telecom Limited (ABN 46 093 058 069).
TC1	means AVC traffic class 1 and CVC traffic class 1 (as applicable) as defined in an applicable Standard Form of Access Agreement.
TC2	means AVC traffic class 2 and CVC traffic class 2 (as applicable) as defined in an applicable Standard Form of Access Agreement.
TC4	means AVC traffic class 4 and CVC traffic class 4 (as applicable) as defined in an applicable Standard Form of Access Agreement.
Vocus	means Vocus Group Limited (ABN 96 084 115 499).

4. APPLICATION

(1) These Rules apply to:

Singtel Optus Pty Limited (ABN 90 052 833 208)
 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)
 Symbio Wholesale Pty Limited (ABN 75 136 972 355)
 Wideband Networks Pty Limited (ABN 11 097 649 851)

(2) These Rules also apply to a service provider that supplies NBN Wholesale Aggregation Services and has been provided no less than two months' notice in writing by the Commission that the Rules apply to that 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**.

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.

Note: A reporting service provider only needs to report on services actually provided by it or its Australian subsidiaries.

(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@acc.gov.au, or as otherwise specified on the Commission's website.
- (5) The format referred to in **Schedule A** 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

Wholesale NBN aggregation services to be reported by service providers to the Commission

- (1) For each Reporting Period, the service providers listed in Paragraph 4(1), or to which Paragraph 4(2) applies, must provide to the Commission the information set out in paragraph (2) below, in accordance with the template set out in **Schedule B**.
- (2) For service providers supplying NBN Wholesale Aggregation Services, the service provider must state:
 - (a) The name of each Access Seeker being provided NBN Wholesale Aggregation Services as at the Reference Date.
 - (b) The NBN POI locations and the total number of Services in Operation (SIO)¹ for each Access Seeker in (a) as at the Reference Date, by traffic class and by data transfer rate tier.
 - (c) Details on whether the service being acquired by each customer in (b) is a Layer 2 service or a Layer 3 service at the Reference Date.
 - (d) An indication of which of the services supplied in (c) are supplied in conjunction with NBN Co's NNI Link product
 - (e) Wholesale prices (\$AUD) for plans across the following speed tiers for the Reporting Period:
 - i. 12/1 Mbps
 - ii. 25/5 Mbps
 - iii. 25/10 Mbps
 - iv. 50/20 Mbps
 - v. 100/40 Mbps
 - vi. Greater than 100/40 Mbps
 - (f) Any other wholesale prices (\$AUD) charged to each Access Seeker in (b) for the Reporting Period.
 - (g) The CVC capacity contracted in Mbps to each Access Seeker in (b) by state or territory monthly over the Reporting Period.

¹ A Service in Operation is measured as the number of AVCs contracted for the purpose of this document.

(h) The prices charged by the service provider for their own retail plans across the following speed tiers for the Reporting Period:

- i. 12/1 Mbps
- ii. 25/5 Mbps
- iii. 25/10 Mbps
- iv. 50/20 Mbps
- v. 100/40 Mbps
- vi. Greater than 100/40 Mbps

(i) The CVC capacity contracted in Mbps for the service provider's own retail plans by state or territory monthly over the Reporting Period.

Schedule B

Templates for submission of reports

NBN Wholesale Aggregation Services Record-Keeping and Reporting Rule

Spreadsheet for submission to the ACCC

Issued under s151BU of the Competition and Consumer Act 2010

Reporting Carriage service provider:	<i>(please complete)</i>
Reporting Period and Year:	

Instructions

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This spreadsheet forms part of the NBN Wholesale Aggregation Services 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.

(i) NBN Wholesale Aggregation Services provided to Access Seekers

Access seeker	Layer 2 /Layer 3 service	Supplied in conjunction with NBN Co NNI Link (Y/N)	TC-1 AVC SIOs (count)			Total TC-1 AVC SIOs	TC-2 AVC SIOs (count)			Total TC-2 AVC SIOs	TC-4 AVC SIOs (count)			Total TC-4 AVC SIOs	Wholesale List Price (\$AUD) *			Total Wholesale List Price
			(e.g. 0.15 Mbps)	(e.g. 0.5 Mbps)	(e.g. 1 Mbps)		(e.g. 5/5 Mbps)	(e.g. 10/10 Mbps)	(e.g. 20/20 Mbps)		(e.g. 12/1 Mbps)	(e.g. 25/5 Mbps)	(e.g. 50/20 Mbps)		(e.g. CVC charge \$ per Mbit)	(e.g. Aggregation charge \$ per Mbit)	(e.g. Activation charge)	

* Includes wholesale prices charged to access seekers across the reporting period, as well as a breakdown of price structures where applicable. For example, a standard contract may include a monthly AVC charge, a CVC charge and an aggregation access (AGVC) charge.

(ii) Wholesale/Retail list price comparison by speed tiers, for the Reporting Period

	<i>Wholesale list prices</i>	<i>Retail list prices</i>
12/1 Mbps		
25/5 Mbps		
25/10 Mbps		
50/20 Mbps		
100/40 Mbps		
Greater than 100/40 Mbps		

(iii) CVC capacity contracted to Access Seekers

Access seeker	State	POI name	Contracted capacity* (Mbps) (Month 1)	Contracted capacity* (Mbps) (Month 2)	Contracted capacity* (Mbps) (Month 3)

* Where the provisioned capacity for CVC has changed during a month, the provisioned capacity will be the capacity as at the last day of that month

(iv) CVC capacity contracted for own use to retail customers

State	POI name	Contracted capacity* (Mbps) (Month 1)	Contracted capacity* (Mbps) (Month 2)	Contracted capacity* (Mbps) (Month 3)

* Where the provisioned capacity for CVC has changed during a month, the provisioned capacity will be the capacity as at the last day of that month