



AUSTRALIAN COMPETITION
& CONSUMER COMMISSION

Audit of Telecommunications Infrastructure Assets – Record Keeping Rules

Explanatory statement

Date

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Australian Competition and Consumer Commission
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1. Introduction

1.1. Purpose

This explanatory statement accompanies the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules* (Infrastructure RKR).

2. The Infrastructure RKR

2.1. Background

On 19 December 2007, the ACCC made the *Audit of Telecommunications Infrastructure Assets – Record Keeping Rules 2007* to help inform its analysis of competition in relevant telecommunications markets. The 2007 RKR required specified carriers (record-keepers) to report on the extent and location of their core network and customer access network (CAN) infrastructure.

In March 2013, the ACCC amended the Infrastructure RKR to update the list of record-keepers to reflect market developments and introduce an obligation for record-keepers to identify leased infrastructure and infrastructure operated on behalf of third parties.

In December 2017, the Infrastructure RKR were amended again to update the list of record-keepers and clarify the information required to be reported on mobile infrastructure, fibre to the building infrastructure and the geographic boundaries of CANs.

On 21 November 2019, the ACCC released a Consultation Paper proposing new amendments to the Infrastructure RKR, which included:

- updating the list of record-keepers
- clarifying the scope of information required in relation to mobile networks
- Introducing the requirement for record-keepers to report details on government co-contribution in the deployment of mobile sites.

As part of the consultation, the ACCC also sought views on its proposal to publish summary reports outlining yearly changes in the number of mobile sites across metropolitan, regional and remote areas of Australia.

In response to the Consultation Paper, the ACCC received submissions from Alliance for Competition in Digital Communications (Commpete), Telstra Corporation Limited (Telstra), Vodafone Hutchison Australia Pty Limited (VHA) and Uniti Group Limited (Uniti).

A summary of submissions and an explanation of the ACCC's decision is discussed in Section 3 below.

2.2. Regulatory framework

The Australian Competition and Consumer Commission (ACCC) has the power to collect information from industry to undertake its telecommunications regulatory functions under the *Competition and Consumer Act 2010* (CCA) and relevant telecommunications legislation.

Section 151BU of the CCA provides that the ACCC may make record-keeping rules requiring specified carriers or carriage service providers (record-keepers) to keep records and provide the ACCC with reports of information contained in those records. The ACCC cannot require records to be kept unless they contain information relevant to the operation of certain parts of the CCA or other telecommunications legislation.

Sections 151BUA, 151BUB and 151BUC of the CCA give the ACCC the powers to disclose, or to require carriers or carriage service providers to disclose, reports prepared in accordance with an RKR.

The ACCC has amended the *Audit of Telecommunications Infrastructure Assets – Record Keeping Rules*. The amendments have been made in accordance with section 151BU of the CCA and section 33(3) of the Acts Interpretation Act 1901. The amendments take effect from 18 May 2020.

The updates and variations that are given effect through these amendments will assist the ACCC in administering a range of its regulatory functions listed in section 151BU(4) of the CCA, including:

- monitoring the rollout of the National Broadband Network (NBN) and other infrastructure,
- undertaking declaration inquiries, and
- monitoring and assessing the level of infrastructure competition and network deployment in specific telecommunications markets to inform the exercise of the ACCC powers under Part XIB and Part XIC of the CCA.

3. Summary of submissions and the ACCC's decision

3.1. Updating the list of record-keepers

To ensure the ongoing usefulness of the data collected and oversight of changes in infrastructure, the ACCC considers it appropriate to update the list of record-keepers required to provide information about the extent of their telecommunications infrastructure.

The Consultation Paper proposed updating the list of record-keepers with the addition of Queensland Capacity Network Pty Ltd (QCN Fibre), Pivotel Group Pty Limited (Pivotel) and Uniti Group Limited (Uniti) in consideration of the market relevance of the infrastructure held by these entities.

Submissions

VHA supported the addition of the three new record-keepers proposed, as it considers that this update would provide the ACCC with a more comprehensive picture of the level of investment in the telecommunications industry and allow it to exercise its functions more effectively.¹

Uniti did not object to the expansion of the list of record keepers to add the proposed three entities. Uniti also noted its acquisition of OPENetworks Pty Ltd, currently a record keeper under the Infrastructure RKR.²

¹ VHA submission, 19 December 2019, p.3

² Uniti email to the ACCC, 27 January 2020

No other stakeholders expressed views on this matter.

ACCC decision

The ACCC has amended the list of record-keepers to add Queensland Capacity Network Pty Ltd ACN 633 081 517 (QCN Fibre), Pivotel Group Pty Limited ACN 102 274 322 (Pivotel) and Uniti Group Limited (Uniti Group) to the list of record-keepers.

The ACCC has made this decision on the basis that the assets owned or operated by these entities are of sufficient size as to have a material impact on the ACCC's analysis of rival infrastructure in the market.

The ACCC has also amended the list of record keepers to note OPENetworks Pty Ltd has been acquired by Uniti Group.

3.2. Clarification of the type of assets to be reported

The ACCC has identified several areas where clarification and further information in relation to mobile network operators' infrastructure assets would assist it in monitoring competitive developments in the industry. The changes proposed in the Consultation Paper apply to mobile infrastructure only, and include:

- the introduction of a reporting template to ensure consistent reporting across record-keepers
- a requirement for mobile operators to report on government co-contributions to the funding of sites, and
- a requirement for mobile operators to provide coverage maps by frequency bands (in addition to coverage by technology type).

3.2.1. Introduction of a reporting template for mobile infrastructure

In the Consultation Paper the ACCC proposed the introduction of a reporting template to address inconsistencies observed across mobile operators' (MNOs) reports. The template spells out the specific information to be reported by MNOs and introduces the use of a common reference for the identification of mobile sites based on the Radio Frequency National Site Archive Identification number (RFNSA ID).

Summary of submissions

Telstra and VHA expressed support for the use of a common input template for the reporting on mobile infrastructure.³

VHA also supported the use of a unique identifier for each mobile site including the use of the RFNSA ID for this purpose.

ACCC decision

The ACCC has decided to introduce a mandatory template to guide MNO record-keepers' reporting on mobile infrastructure, including the requirement to identify each physical mobile site based on the RFNSA ID.

³ VHA submission, 19 December 2019, p. 1; Telstra submission, 20 December 2019, p. 5.

The ACCC considers that these measures will address the current inconsistency across operators in the reporting of their mobile infrastructure, allowing the ACCC to more accurately identify new and decommissioned sites and the co-location of infrastructure. This will assist the ACCC in monitoring infrastructure investment in mobile markets.

3.2.2. Reporting on government co-funding of mobile sites

In the Consultation Paper the ACCC also proposed to require MNOs to identify mobile sites that have been built as part of a government co-contribution program, providing the name and, if applicable, round of the relevant program.

Summary of submissions

Both VHA and Commpete submitted in favour of mandatory reporting on government co-funding of mobile sites, although both stakeholders would like to see this requirement expanded.

VHA submitted that the information provided should also include the dollar amount of subsidies received for each relevant site.⁴

Commpete considered that co-contribution information should include details of what government co-funded sites are available for wholesale access by mobile virtual network operators (MVNOs), by way of a yes/no statement.⁵ In Commpete's views this additional information would enable further analysis of the effectiveness of mobile competition at both retail and wholesale levels, and the efficacy of government efforts to improve competition through public funding of mobile infrastructure.⁶

Telstra did not support the requirement to identify co-funded mobile sites on the basis that requiring the provision of this information retrospectively would require significant resources and the information gathered would likely be imperfect or incomplete.

Telstra submitted that the ACCC can obtain this information from the government departments administering the relevant programs, which in Telstra's views would be more efficient and in line with the intent of the new provisions in relation to record keeping rules added to the CCA in December 2019.⁷

Telstra also argued it would be inappropriate for the ACCC to apply record keeping rules retrospectively on operators, considering that any RKR requirement should be of a forward-looking nature only.⁸

ACCC decision

The ACCC acknowledges that the identification of all sites that have been co-funded under past co-contribution programs would generally require additional effort and resources. The ACCC also recognises that federal, state and local government agencies that have administered co-contribution programs are likely to keep records on the broad location of government co-funded sites.

⁴ VHA submission, 19 December 2019, p. 1.

⁵ Commpete submission, 13 December 2019, p. 1.

⁶ Commpete submission, 13 December 2019, p. 3.

⁷ Communications Legislation Amendment (Deregulation and Other Measures) Bill 2019 (Cth).

⁸ Telstra submission, 20 December 2019, p. 3.

However, the ACCC considers that mobile operators are in the best position to provide this information for a number of reasons.

First, while records on funding held by participating government agencies may describe the initial location of the site to be funded, in some cases the exact location can vary over the life of the project, due to technical or operational issues faced by mobile operators. It is unclear whether government agencies keep details of the final location coordinates.

Second, mobile operators are best placed to identify co-contribution sites in relation to the corresponding RFNSA identification number.

Finally, collecting co-contribution information from a variety of federal, state and local government agencies that have administered those programs over time may not ensure the integrity and comprehensiveness of the information. Also, some of this information is likely to be confidential information between the funding body and the MNO under funding 'deeds of arrangement'.

Moreover, the ACCC believes that the proposed amendments are consistent with the intent of the new provisions introduced in the CCA in relation to RKR. In introducing the new requirements the ACCC has considered, among other matters, whether the information sought is publicly available.⁹ The ACCC attempted to identify which of the mobile sites reported by the MNOs are co-funded through publicly available information but was unsuccessful. However, the public information available is largely general in nature and, in most cases, only discloses the general location of the site and not geographic coordinates that would enable precise identification.

The ACCC acknowledges that some record-keepers may not have consistent records of every federal, state and local government co-contribution program they have participated in over time. However, the ACCC considers that this should not be the case for the Federal Government's Mobile Black Spot Program (MBSP), as it is the most significant government co-contribution program relating to mobile infrastructure in recent years and is still ongoing. Accordingly, the ACCC believes that it is reasonable to expect that the MNOs should have readily-available information to identify the sites that have been funded under the MBSP, as a minimum.

For that reason the ACCC has decided that the requirement to identify mobile sites funded under co-contribution programs should apply to the following classes of sites:

- all sites that have been co-funded under the MBSP since the commencement of that program,¹⁰ and
- any future sites to be co-funded under *any* federal, state or territory co-contribution program.

The ACCC has decided to adopt VHA's suggested drafting change to the proposed template such that record-keepers should indicate the relevant co-contribution program *and* any applicable round under the same column.

⁹ The recently introduced provisions in the CCA require the ACCC to review periodically RKR, relevant to the operation of Division 12 in Part XIB of the CCA, having regard, among other matters, to whether the information sought is already publicly available.

¹⁰ Information on the MBSP is available on the website of the Department of Infrastructure, Transport, Regional Development and Communications at: <https://www.communications.gov.au/what-we-do/phone/mobile-services-and-coverage/mobile-black-spot-program>.

The objective of the proposed ACCC requirement is to assess the extent to which the MNOs are independently investing in mobile infrastructure by monitoring the proportion of new sites that are added onto networks independent of any co-contribution program. The ACCC does not consider that the actual amount of subsidy received in relation to each mobile site is necessary for this purpose. It notes that the average amount of subsidy received for each co-funded site could be derived from the overall amount of subsidy and the total number of sites funded under a program.

In the same way, the ACCC does not consider it necessary to require the MNOs to identify whether a mobile site, co-funded or otherwise, is included in wholesale coverage offers to MVNOs. The ACCC understands Commpete's argument that analysing the differences in the MNOs' wholesale offers to MVNOs and how they may change over time may provide additional retail market insights. However, on the basis that an MNO generally only has the incentive to offer wholesale services where there is competing infrastructure, the ACCC considers that the wholesale footprint offered by an MNO is likely to broadly mirror the coverage footprint of its closest competitor and can already be identified in the competitor's Infrastructure RKR report.

Moreover, in the Domestic Mobile Roaming Declaration Inquiry, the ACCC found that equivalence of network coverage is not a necessary factor for mobile service providers to effectively compete in the market. The inquiry found that MNOs, particularly Telstra and Optus, have incentives to continue to invest to marginally improve their network coverage.¹¹

The ACCC expects that the network coverage included in wholesale offers to MVNOs would improve as competition between the MNOs results in incremental improvements in their network coverage over time.

The ACCC also notes Commpete's comment that there is a particular need to collect information regarding wholesale access on publicly-funded mobile infrastructure, as the purposes of these programs are to improve coverage and competition in regional and remote Australia.¹² The ACCC considers that in the absence of a mandatory requirement on the MNOs to provide wholesale access to any publicly-funded mobile sites, the MNOs' incentives to provide wholesale access on these sites are unlikely to differ from those relating to non-publicly funded sites.

3.2.3. Coverage maps by frequency bands

The Consultation Paper proposed an amendment to sub-rule 5(2)(b)(ii) by inserting the words 'and frequency band' to explicitly require that all MNOs provide information on the extent of mobile coverage by each frequency band in addition to the network technology in operation (e.g. 3G, 4G, 5G).

Summary of submissions

VHA supported the requirement for record keepers to provide maps of mobile coverage across technology types *and* frequency bands.¹³

In contrast, Telstra opposed the introduction of this requirement. Telstra noted that its reports on coverage maps are based on the *primary* coverage frequency band for

¹¹ ACCC, Domestic mobile roaming declaration inquiry: Final report, October 2017, p. 55.

¹² Commpete submission, 13 December 2019, p. 3.

¹³ VHA submission, 19 December 2019, p. 3.

each technology, as other bands are selectively used to provide extra capacity in areas mostly covered by the primary band.¹⁴

Telstra considered that providing coverage for non-primary bands would be misleading as those maps would only show a partial and fragmentary view of coverage, while resulting in an unnecessary burden for operators.

Telstra also argued that coverage information by frequency band would still provide inconsistent comparison between operators as the assumptions made to create the maps vary between operators.

Finally, Telstra noted that the Infrastructure RKR already requires operators to provide the bands in use at each site and that such information should be sufficient for the ACCC to understand the operators' use of spectrum in each location.¹⁵

ACCC decision

The ACCC does not agree with Telstra's argument that providing coverage maps across frequency bands is likely to be misleading or would impose unnecessary burdens on record keepers.

The ACCC notes that two of the three MNOs already provide coverage maps across technology types *and* frequency bands. As such, the ACCC does not consider that providing coverage maps for each frequency band is likely to amount to a significantly more burdensome task than what the MNOs are currently required to provide.

The main purpose of this requirement is to enable the ACCC to meaningfully assess the use of various spectrum bands by the MNOs. While site information currently indicates what spectrum is used on each site, this information does not show the reach of each spectrum band.

The ACCC also considers that while maps based on primary coverage bands show the overall coverage accessible by end-users on a network, the identification of individual bands serving an area is useful in showing another dimension of infrastructure-based competition. This is because seemingly equivalent coverage from two providers may impact on consumer experience differently depending on the existence of a capacity-boosting secondary band.

Finally, the ACCC understands that the MNOs may not use the same assumptions in creating coverage maps, but nonetheless considers that the information would be useful in enabling high level comparisons amongst the MNOs.

For the above reasons, the ACCC has decided to amend sub-rule 5(2)(b)(ii) of the Infrastructure RKR to require record keepers to provide coverage maps across frequency bands, in addition to technology type.

3.2.4. Minor amendment

The ACCC has amended the interpretation section of the Infrastructure RKR to rectify a minor typographical error whereby the name of the Infrastructure RKR was incorrectly stated as the *Audit of Telecommunications Infrastructure Assets – Record Keeping Rules 2017*. The new instrument amends the Interpretation section to

¹⁴ In Telstra's case this is 850MHz for 3G and 700 MHz for 4G.

¹⁵ Telstra submission, 20 December 2019, p. 2.

correctly state the name of the Infrastructure RKR as '*Audit of Telecommunications Infrastructure Assets - Record Keeping Rules*'.

3.2.5. Special reporting deadlines

In consideration of the overlap between this review of the RKR and the due date for delivery of the 2020 returns (1 March 2020), the amended rules include a one-off extension applying to the 2020 reporting period.

Rule 9 of the amended instrument extends the deadline for providing reports to the ACCC that will apply respectively to new reporting entities (listed under Group B in the amended instrument) and to those record keepers subject to expanded reporting obligations in relation to mobile infrastructure.

Specifically, new entities must keep records of their infrastructure as at 30 June 2020 and report no later than 31 July 2020.

MNO record keepers subject to expanded reporting obligations must keep a record of the additional information as at 30 June 2020 and report by 31 July 2020. After this they will be subject to the annual reporting obligations.

3.3. Publication of ACCC reports on mobile infrastructure

In the Consultation Paper, the ACCC sought views on its proposal to publish periodic reports that reflect developments in each mobile operator's infrastructure over time - in particular, the change in the number of mobile sites for each individual operator across metropolitan, regional and remote areas. The Consultation Paper included a proposed output template to illustrate how such a periodic report may look.

In addition, the ACCC proposed publication of geo-spatial maps identifying the location of new sites added to the record keeper's network over the reporting year.

The Consultation Paper sought comments on whether the publication of such reports and the geo-spatial maps would give rise to concerns from record-keepers.

Summary of submissions

Telstra did not oppose the ACCC's publication of the proposed reports, but expressed caution on trying to infer the extent of any investment made by an operator from the yearly change in the number of sites. In Telstra's view such correlation does not exist as the cost of deploying sites varies greatly depending on a number of factors, such as, location, terrain and proximity to existing infrastructure. Telstra considered that this variability of costs is even higher in the case of 5G technology where there is a wider range of investments options.

Further, Telstra noted that accounting for small cells would further dilute the ability to infer a change in the level of coverage from the change in the number of sites.¹⁶

VHA submitted that the ACCC should publish Infrastructure RKR returns in full as received from record-keepers (except where the ACCC identifies any confidentiality issues). In VHA's view, publication of the full RKR report would enable the public to

¹⁶ Telstra submission, 20 December 2019, pp. 3–4.

ascertain whether public funds are 'put to good use', increasing confidence in co-contribution programs.

VHA also argued that a direct publication of Infrastructure RKR returns would enable the public to assess investment claims made by carriers and hold carriers accountable directly.¹⁷ As an alternative, VHA suggested that the ACCC could publish an initial network status report against which subsequent changes can be compared.¹⁸

VHA also submitted that the usefulness of maps showing locations of new sites would depend on the resolution of the maps as some areas will have an extremely high site density and some areas will have extremely low site density. VHA suggested the optimal solution would be a browser-based interactive map that is accessible online.¹⁹

Commpete supported the ACCC's proposal to publicly report on the annual changes in MNO's infrastructure, particularly if it included analysis of the reasons for and effects of any consequential changes in the MNO's wholesale offers to MVNOs.²⁰

Commpete also submitted that even if the ACCC decided not to proceed with this proposal in respect of mobile infrastructure more generally, it should nonetheless publish an analysis of the competition implications of any annual change in co-funded mobile infrastructure, and the extent to which that co-funded infrastructure is made available to wholesale customers.²¹

ACCC views on submissions

The ACCC acknowledges Telstra's comment that it would not be appropriate to use any change in infrastructure over time to infer the level of investment made by an operator. It understands that there are many considerations affecting the MNOs' decision to invest in new sites and that the MNOs make investments on all elements of their networks, not just the radio access network. However, the ACCC considers that changes in an MNO's mobile sites still provide a good indication on investments that have been made to improve mobile coverage and, for that purpose, such a report would provide useful information for the public.

The ACCC also notes Telstra's comment regarding the increasing use of small cell technology and how it may affect the ability to draw meaningful conclusions from increases in site numbers per se. The ACCC understands the limitations in using changes in site numbers to infer the change in mobile infrastructure in a complete manner, but considers that the use of a visual map showing the locations of new sites would supplement the reporting in site numbers and provide a better indication of where and how the operator's network infrastructure and coverage may have changed.

The ACCC does not consider it would be appropriate to publish the RKR returns in full as proposed by VHA. The ACCC considers that RKR returns are commercially sensitive and of limited utility to the public in their original format. The mobile network operators already publish coverage details on their websites.

¹⁷ VHA submission, 19 December 2019, pp. 2, 4.

¹⁸ VHA submission, 19 December 2019, p. 4.

¹⁹ VHA submission, 19 December 2019, p. 4.

²⁰ Commpete submission, 13 December 2019, p. 3.

²¹ Commpete submission, 13 December 2019, p. 1.

The ACCC does not consider that the use of a baseline would add value to the proposed reports, as the purpose of the reports is merely to provide transparency and accountability in relation to MNOs' investments, rather than making any judgement on the observed changes or its expectations on future investments.

Finally, the ACCC does not consider it necessary to publish information on whether a mobile site is included in wholesale coverage offers to MVNOs, as this is beyond the intent of reporting in changes in mobile infrastructure. Further, as discussed in section 3.2.2 above, the wholesale footprint offered by an MNO can generally be ascertained from the extent of the mobile footprint of their competitors.

Deferral of the ACCC decision on publication of reports

Overall, the ACCC considers that submissions did not raise material concerns over the publication of reports as proposed in the Consultation Paper.

However, the ACCC acknowledges a range of alternatives for the reporting of changes in mobile infrastructure expressed in submissions. For this reason, the ACCC will not make a decision on the publication of reports at this stage, but will further consider the contents and format of reports that are likely to be most useful to interested parties, in particular regional stakeholders who are interested in tracking investments made by mobile network operators.

Audit of Telecommunications Infrastructure Assets

Record Keeping Rules

Section 151BU

Competition and Consumer Act 2010

Australian Competition and Consumer Commission

1 Name of Rules

These Rules are the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules*.

2 Commencement

These Rules commenced on 26 March 2013.

3 Interpretation

(1) In these Rules:

ACCC means the Australian Competition and Consumer Commission.

Act means the *Competition and Consumer Act 2010*.

CAN means the Customer Access Network and is that part of the telecommunications network that allows end-users to connect to the local switch, base station, node or exchange.

Consolidated information report means an information report that includes infrastructure records of all subsidiaries and/or related entities of the record-keeper.

Copper means twisted pairs of copper line.

Core network means that part of the network that is not the CAN.

Distribution point unit (DPU) means an NBN Co owned device located in an underground pit, or mounted on a pole close to the end-user premise.

End-user means a consumer of communications carriage services and other services supplied using communications carriage services.

ESA means the geographical area of copper wire served by one local telephone exchange.

Fibre (point to multipoint) means a shared optical fibre service from the core network to the end-user.

Fibre (point to point) means a dedicated optical fibre service from the core network to the end-user.

Fibre to the building (FTTB) means a combination of optical fibre used to connect a multi-tenant site's communications room with an access network whether that be fibre, copper or wireless. It has the capability of delivering a superfast broadband service.

FTTB equipment means the main equipment usually installed in the communications room (e.g. MDF room) of a multi dwelling unit or multi premise site.

Fibre to the curb (FTTC) means a combination of optical fibre and copper used in the CAN to connect the end-user to the core network. Optical fibre is delivered to an underground pit or pole locations where it then connects with a DPU. Copper is then used to deliver services from the DPU to the end-user. It has the capability of delivering a superfast broadband service.

Fibre to the premises (FTTP) means optical fibre used in the CAN to connect the end-user to the core network. It has the capability of delivering a superfast broadband service.

Fibre to the node (FTTN) means a combination of optical fibre and copper is used in the CAN to connect the end-user to the core network. It has the capability of delivering a superfast broadband service.

GDA94 means Geocentric Datum of Australia 1994.

Geographic extent means the physical location of infrastructure and includes the geographic boundaries normally associated with that infrastructure (such as ESA or SAM boundaries) as well as the predicted propagation of wireless infrastructure.

HFC means Hybrid Fibre-Coaxial and is a combination of optical fibre and coaxial cable used in the CAN to connect the end-user to the core network.

Microwave radio means a microwave electromagnetic signal.

Mobile site means the site where mobile infrastructure (such as base stations, towers etc.) is located.

Fixed wireless site means the site (such as towers or other facilities) where fixed wireless infrastructure is located.

Optical fibre means a glass or plastic fibre designed to guide light along its length.

Radio (fixed) means the CAN that is provided by means of air interface using point-to-point or point-to-multipoint topology.

Radio (mobile) means the CAN that is provided by means of air interface using a cellular topology which offers roaming from interconnected geographic regions of service.

Record-keeper is a carrier or carriage service provider listed as a record-keeper in Schedule 1, and includes all its subsidiaries and related entities.

RFNSA is the Radio Frequency National Site Archive, a repository of information on mobile network infrastructure managed by the Australian Mobile Telecommunications Association (AMTA)

RFNSA ID is a unique numerical identifier for each mobile site set by RFNSA based on the site's physical location.

Rules means the *Audit of Telecommunications Infrastructure Assets - Record Keeping Rules 2017*.

Serving Area Module (SAM) means a geographical region which includes premises served by the NBN Co Network.

TAB vector format means the MapInfo proprietary format that contains a spatial representation of data using points, lines, and polygons.

- (2) Unless the contrary intention appears, an expression used in these Rules that is also used in the Act has the same meaning in these Rules.

4 Application

These Rules apply to the record-keepers listed in Part 1 of Schedule 1.

5 CANs

- (1) A record-keeper who is listed in Part 1 of Schedule 1 must supply the information specified in subrule 5(2).

- (2) For each CAN owned and operated by a record-keeper, the record-keeper must specify:

- (a) whether any access media of the types listed in Part 2 of Schedule 1 is deployed on the network; and
(b) if so, the geographic extent of each access medium deployed, including where relevant:

- i. for radio (mobile) – **the site’s RFNSA identification**, the location of mobile sites, the technology type and frequency band/s of the radiofrequency spectrum used at each mobile site **in accordance with the template at Appendix 1**;
- ii. for radio (mobile) – the geographic coverage by technology type **and frequency band/s**;
- iii. for radio (fixed) – the location of fixed wireless sites, the technology type and frequency band/s of the radiofrequency spectrum used at each fixed wireless site;
- iv. for radio (fixed) – the geographic coverage by technology type;
- v. for FTTB – the location of FTTB equipment; and
- vi. for FTTP, FTTN, FTTB, FTTC, HFC – the geographic boundary of CAN modules (for NBN Co services this will include each SAM boundary).

- (c) **for radio (mobile) – whether the construction of each mobile site was funded under a co-contribution program (whether under federal, state or local government) and if so, details of the relevant program, and round (if relevant) in accordance with the template at Appendix 1.**

- (3) **For the purposes of sub-rule 5(2) (c) above, the record-keeper is only required to identify the relevant co-contribution programs for sites that received funding on and after 18 May 2020, unless the co-contribution program is the Federal Government’s Mobile Black Spot Program, for which the record-keeper is required to identify the sites that received funding on and after 1 January 2015.**

Note: For the purposes of subrule 5(2) (b) a record-keeper is required to provide this information in accordance with rule 7.

6 Core Network

- (1) A record-keeper who is listed in Part 1 of Schedule 1 must supply the information specified in subrules 6(2), 6(3), and 6(4)
- (2) For each core network owned and operated by a record-keeper, the record-keeper must specify the geographic extent of any:
 - (a) optical fibre core network;
 - (b) microwave radio core network; and
 - (c) other core network.
- (4) The record-keeper must separately identify core network that it leases to third parties.
- (5) The record-keeper must separately identify core network that it operates on behalf of third parties.

Note: For the purposes of this rule a record-keeper is required to provide this information in accordance with rule 7.

7 Format

For the purposes of subrule 5(2) and rule 6, information provided to the ACCC by a record-keeper must be:

- (a) in a TAB vector format using the GDA94 coordinate system; or
- (b) in such other format as the ACCC agrees in writing or notifies on its website,
- (c) a consolidated information report of subsidiaries and/or related entities.

8 Reporting requirements

- (1) **Subject to Rule 9**, a record-keeper is required to record and produce a report on the information specified in subrules 5(2), 6(2), 6(3) and 6(4) as at 31 January of each year.
- (2) **Subject to Rule 9**, a record-keeper must provide the ACCC with a report containing the information specified in subrule 8(1) on or before 1 March of each year.
- (3) The report containing the information specified in subrule 8(1) must be provided to the ACCC by email or by another mode of delivery approved in writing by the ACCC. Reports provided by email must be sent to both of the following addresses:

- (a) rkrinbox@accc.gov.au
- (b) irdadmin@accc.gov.au

9 Variation of the reporting requirements for the 2020 report

- (1) For the 2020 reporting year, a Group B record keeper must prepare a report containing the information specified in Rule 5 and Rule 6 as at 30 June 2020 and provide it to the ACCC on or before 31 July 2020.
- (2) For the reporting year 2020, a record keeper must provide to the ACCC a report containing the information required under Sub-rule 5 (2) (c) as at 30 June 2020 and provide it on or before 31 July 2020.

Note 1: Under section 151BX of the Act a person who contravenes a record-keeping rule may be subject to pecuniary penalties.

Note 2: Subsection 36(2) of the *Acts Interpretation Act 1901* (Cth) provides that where the last day of any period prescribed falls on a Saturday, on a Sunday or on a day which is a public holiday in which the thing is to be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday.

Schedule 1 Record-keeping requirements for CANs and Core Networks

Part 1 List of record-keepers

Group A

Record-keeper/ACN	Subsidiaries and/or related entities
AARNet Pty Ltd 084 540 518	
Basslink Telecoms Pty Ltd 129 550 563	
Digital Distribution Australia Pty Ltd 093 095 419	
Ergon Energy Telecommunications 106 459 465	
Macquarie Telecom Pty Ltd 082 930 916	
NBN Co Limited 136 533 741	
OPENetworks Pty Ltd 118 525 821	
OptiComm Co Pty Ltd 117 414 776	
Queensland Rail Limited 132 181 090	
Rail Corporation New South Wales ABN 59 325 778 353	
SA Power Networks ABN 13 332 330 749	
SingTel Optus Pty Limited 052 833 208	Optus Networks Pty Ltd Optus Mobile Pty Ltd Uecomm Pty Ltd
Spirit Telecom Ltd 089 224 402	
Superloop Limited ABN 96 169 263 094	Big Air Group Limited
Tasmanian Networks Pty Ltd ABN 24 167 357 299	
Telstra Corporation Limited 051 775 556	
TPG Telecom Limited 093 058 069	AAPT Limited

	Adam Internet Pty Ltd Agile Pty Ltd iiNet Limited Soul Pattison Telecommunications Pty Ltd TransACT Capital Communications Pty Ltd
TransGrid ABN 19 622 755 774	
Verizon Australia Pty Ltd 081 001 194	
Victorian Rail Track Corporation ABN 55 047 316 805	
Vocus Group Limited 084 115 499	Amcom Pty Ltd NextGen Networks Vocus Fibre Pty Ltd
Vodafone Hutchison Australia Pty Ltd 096 304 620	

Group B

Queensland Capacity Network Pty Ltd 633 081 517	
Pivotal Group Pty Limited 102 274 322	
Uniti Group Limited 158 957 889	LBN Co Pty Ltd, OPENetworks Pty Ltd

Part 2**Types of access media deployed**

Copper

Fibre (point to multipoint)

Fibre (point to point)

Fibre to the building (FTTB)

Fibre to the curb (FTTC)

Fibre to the Node (FTTN)

Fibre to the premises (FTTP)

HFC

Radio (fixed)

Radio (mobile)

Other

Input template

RFNSA ID	Latitude	Longitude	Technology/Frequency Band (e.g. LTE700)	Co-funded?	Co-contribution program
Unique identification number			Y or N (Add one column for each active Technology/freq. band)	Y or N	Identify the funding program that co-contributed to the site cost (including any applicable round) or leave blank (e.g. Federal Government Mobile Black Spot Program Round 1)