



Declaration of a technology-neutral subscription television carriage service

A report on an inquiry into the declaration
of a technology-neutral subscription television
carriage service under Part XIC
of the *Trade Practices Act 1974*

October 1999



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Contents

Summary.....	v
The declaration process	1
Declaration and regulated access.....	1
How eligible services are declared	1
Inquiries	2
The long-term interests of end-users test and its application	3
The services	5
Promoting competition	6
Market definition principles	6
Eligible service — wholesale carriage	7
Overseas trends.....	8
Australia	9
Competition in the carriage and provision of digital services.....	9
Achieving any-to-any connectivity	11
Encouraging efficiency.....	12
Economically efficient use of infrastructure	12
Economically efficient investment in infrastructure	13
Conclusions	13
Conclusions	14

Appendixes

1. Initial service description	16
2. Submissions.....	17

Summary

On 23 December 1998 the Australian Competition and Consumer Commission began two separate but related public inquiries into whether to declare, under Part XIC of the *Trade Practices Act 1974*, particular services described as ‘analogue-specific subscription television broadband carriage services’ and ‘technology-neutral subscription television broadband carriage services’. The inquiries involved only services delivered over line links.

Once a service is declared, a carrier or carriage service provider supplying the service to itself or another person must supply the service, upon request, to other service providers. Service providers are thus guaranteed access to the inputs they need in order to supply competitive communications services to end-users.

Terms and conditions of supply can then be set through commercial negotiation. Alternatively, they can be set by reference to regulatory processes which apply once a service is declared: in accordance with an access undertaking accepted by the Commission, or through arbitration by the Commission in the event that it is notified of an access dispute.

The Commission can make a declaration where satisfied that it would promote the long-term interests of end-users. In considering the impact of declaration on end-users, the Commission must have regard to the impact of declaration on competition, any-to-any connectivity and economic efficiency.

To stimulate discussion and assist its consideration of these matters during the inquiries, the Commission issued two discussion papers in December 1998 setting out the main issues, reviewed submissions and discussed specific issues with economic, legal and industry experts.

Following consideration of the information received the Commission does not propose to declare a technology-neutral subscription television service limited to line links.

In the Commission’s view, declaration at this stage would not promote the long-term interests of end-users, due to uncertainties surrounding the deployment of digital broadcasting technologies.

However, the Commission will continue to monitor developments in digital services and technology to assess whether declaration of digital broadband services, including digital subscription television services, is justified.

This report contains the Commission’s reasoning. It is structured as follows:

Section 2 outlines the access regime and relevant provisions governing the declaration process, including details of the public inquiry. Appendix 2 contains a list of the companies and entities that made submissions.

Sections 3, 4, and 5 set out the Commission’s reasoning as to whether declaration of these services would promote the long-term interests of end-users.

Section 6 presents the Commission’s conclusions.

The declaration process

Part XIC of the Act establishes an industry-specific regime for regulated access to carriage services. The regime provides for the Commission to declare carriage services and services which facilitate the supply of carriage services (i.e. 'eligible services'). The Commission makes its decisions in the context of the primary object of Part XIC, which is to promote the long-term interests of end-users.

Declaration and regulated access

There is no general right of access to eligible services. The rights and obligations under Part XIC apply only in respect of those services which are declared by the Commission.

The declaration decision is, in essence, a decision by the Commission to apply the rules and regulatory processes in Part XIC to the eligible services covered by the declaration. Once an eligible service is declared, carriers and carriage service providers which provide the service either to themselves or to other persons are, unless otherwise exempt, required to comply with standard access obligations in relation to the service. In accordance with these obligations, the carrier or carriage service provider (i.e. the access provider) must supply the service on such terms and conditions as are agreed with a service provider seeking access (i.e. the access seeker), or failing agreement, in accordance with an access undertaking accepted by the Commission or an arbitration determination of the Commission.

The emphasis of Part XIC is on encouraging access providers and access seekers to negotiate access to declared services without recourse to further regulatory intervention. In this regard, Part XIC provides for the industry to establish an access code and for access providers to give access undertakings to the Commission setting out the terms and conditions of access. However, where the parties are unable to reach agreement on the terms and conditions of access, the Commission can conduct arbitration upon request from one of the parties.

How eligible services are declared

To ensure a smooth transition from the previous regulatory regime, an initial list of eligible services were deemed to be declared services under Part XIC. These services were specified in the Commission's *Deeming of Telecommunications Services* statement published on 30 June 1997. They were generally derived from agreements registered under the *Telecommunications Act 1991*.

Under Part XIC the Commission can declare other eligible services in one of two ways, namely:

- in accordance with a recommendation of the Telecommunications Access Forum;
or
- after holding a public inquiry, if it is satisfied that making the declaration will promote the long-term interests of the end-users of carriage services or services provided by means of carriage services.

Inquiries

Section 39(5) of the *Telecommunications (Transitional Provisions and Consequential Amendments) Act 1997* (Transitional Act) required the Commission to deem a service that is ‘necessary for the purposes of enabling the supply of a broadcasting service by means of line links that deliver signals to end-users.’

On 30 June 1997 the Commission deemed the broadcasting access service to be a declared service under the Transitional Act. In the deeming statement, the Commission described this service as follows:

An analogue service necessary for the purposes of enabling the supply of a broadcasting service by means of line links that deliver signals to end-users, and of a kind that was used for those purposes on 13 September 1996. This is an access service that provides a basic carriage and distribution access function together with other functions as requested.

As stated in the discussion papers, the precise wording of the present service description allows access seekers to choose which services are covered by the declaration. Because of this, concerns have been raised with the Commission about the validity of the declaration.

The Commission considers that the existing service declaration is valid. However, in order to provide certainty, it began an inquiry into whether to declare ‘analogue-specific subscription television broadband carriage services’. At the same time, the Commission began an inquiry into whether to declare ‘technology-neutral subscription television broadband carriage services’. Such a declaration would have gone beyond the limits of the existing service declaration to include, for example, digital broadcasting services. However, the inquiry was still confined to services delivered via line links.

The analogue-specific and technology-neutral inquiries, governed by Part 25 of the Telecommunications Act, were announced on 23 December 1998. The Commission released a discussion paper for each inquiry outlining particular issues and calling for submissions. In response, submissions were received from 14 organisations. A list of those companies and entities that made submissions is in Appendix 2.

In June 1999 the Commission released a draft report in which it concluded that declaration of the analogue-specific service would promote the long-term interests of end-users. The Commission also expressed the preliminary view in that draft report that it was premature to declare the Technology Neutral Service.

The long-term interests of end-users test and its application

Section 152AB of the Act provides that, in determining whether end-users' long-term interests will be promoted by declaring an eligible service, the Commission must consider the following objectives:

- promoting competition in markets for carriage services and services supplied by means of carriage services;
- achieving any-to-any connectivity for carriage services involving communication between end-users; and
- encouraging the economically efficient use of, and economically efficient investment in, the infrastructure by which carriage services and services provided by means of carriage services are supplied.

The Commission will only have regard to these matters in determining whether declaration promotes the long-term interests of end-users. However, in the Commission's view these objectives are essentially 'secondary objectives'. They are not ends in themselves but are the means by which the primary objective (of promoting the long-term interests of end-users) is to be realised.¹

Where declaration is likely to result in the achievement of one or more of these objectives, it will generally promote the long-term interests of end-users. For instance, if declaration is likely to promote competition in a market for the supply of local telephony services to end-users, then end-users are likely to benefit through lower prices and improved customer service. Similarly, encouraging efficient investment would be expected to promote end-users' interests through enhancing the efficiency with which telecommunications services are supplied. The enhanced efficiency would be generally reflected in lower prices. The Commission may also conclude that efficient investment will be likely to increase service diversity.

With respect to any-to-any connectivity, the Commission takes the view that the achievement of this objective will generally benefit end-users by facilitating increased communication between them. Any-to-any connectivity may also facilitate competition by ensuring that, when migrating between service providers, end-users do not lose their ability to communicate with other end-users.

The approach adopted by the Commission will generally involve case-by-case analysis to form a view about the likely result of declaration on the achievement of each secondary objective. This not only ensures that the Commission considers the impact of declaration in terms of each objective, but also helps it to reach a decision in terms of the overall effect on the long-term interests of end-users where declaration is likely to have mixed effects.

The analytical process used by the Commission generally involves three steps.

¹ See *A Guide to the ACCC's Administration of the Declaration Provisions of Part XIC of the Trade Practices Act 1974*, July 1999.

- First, it considers the likely result of declaration in terms of each secondary objective.
- Second, it considers whether the likely result of declaration on each secondary objective will promote the long-term interests of end-users.
- Third, it must make an overall assessment of whether, having regard to the cumulative results of declaration on the secondary objectives, declaration will promote the long-term interests of end-users.

In some cases, this three stage analysis may be undertaken as discrete steps whereas in others it may be appropriate to undertake the analysis simultaneously. For instance, in considering the likely result of declaration on competition, it may be useful to consider the impact in terms of price, quality and diversity of services supplied to end-users.

To consider the likely result of declaration on a secondary objective, the Commission finds it helpful to use a 'with and without test'. That is, it considers the future without declaration and compares this to the future with declaration. This 'with and without test' is not a test in its own right but is used to isolate the effects which are likely to occur as a result of declaration. Moreover, given that many aspects of the future will be speculative, the Commission may not be able to describe the future in a high degree of detail, or determine the full range of possible scenarios. The Commission will seek to examine those aspects of the future (primarily competition and efficiency considerations) which have a direct bearing on the issues before it.

Further details on the Commission's approach to applying the long-term interests of end-users test are set out in *A guide to the Commission's Administration of the Declaration Provisions of Part XIC of the Trade Practices Act 1974*, which is available on the Commission's website <http://www.accc.gov.au>.

The services

The Commission's declaration decision must be framed in terms of one or more 'specified eligible services'.²

In this inquiry the Commission considered a 'technology neutral subscription television broadband carriage service' and a network management service relating to conditional access and subscriber management functions. These services are an input into the provision of retail subscription television services, although it is conceivable that each could be used for the provision of other services. Appendix 1 contains the service description attached to the discussion paper. Each service is an eligible service within the meaning of s. 152AL.

² Section 152AL(3) of the Act.

Promoting competition

In considering how declaration of particular eligible services might promote the long-term interests of end-users, the Commission must consider whether declaration is likely to promote competition in markets for particular services — namely, markets for carriage services or services supplied by means of carriage services.

In general, declaration of an eligible service is likely to promote competition where:

- the eligible service is an input used for the supply of carriage services or services provided by means of carriage services; and
- the supplier (or suppliers) of the eligible service has (or have) substantial market power which can be used to influence competition between suppliers of carriage services or services provided by means of carriage services.

This is because declaration constrains the ability of the supplier of the eligible service to exercise market power in respect of the supply conditions. This constraint on market power may enable more efficient competitors to enter markets for carriage services or services supplied by means of carriage services, win custom from less efficient competitors, and thereby promote competition in those markets.

These are not the only circumstances in which declaration is likely to promote competition.

To examine whether declaration would be likely to promote competition, often it will be appropriate for the Commission to consider the market in which the eligible service is or would be supplied in addition to the market in which competition would be promoted (where these are separate markets).

Market definition principles

Identification of the relevant markets provides the Commission with a field within which it can meaningfully analyse the effectiveness of competition with and without declaration.

Markets involve four dimensions: product, geography, function and time. The process of market definition involves identifying the sellers and buyers which effectively constrain the price and output decisions of firms supplying the service(s) under consideration.

To begin the market definition process it is necessary to identify the service under consideration and the firm(s) supplying that service. For instance, if the Commission wanted to identify the market in which the eligible service is (or would be) supplied, the market definition process would start with the access provider and its supply of the eligible service. If, instead, the Commission wanted to identify the downstream markets in which declaration may promote competition, the market definition process would start with access seekers and the downstream services that they would supply using the eligible service.

Once the relevant service and source(s) of supply have been identified, they are then described in terms of the product, geographic and functional area of supply. The market boundaries are then extended to include all other sources and potential sources of close substitutes with which the firm supplying the service would compete. In terms of s. 4E of the Act:

... 'market' means a market in Australia and, when used in relation to any goods or services, includes a market for those goods or services and other goods or services that are substitutable for, or otherwise competitive with, the first-mentioned goods or services.

As noted by the High Court:

This process of defining a market by substitution involves both including products which compete with the defendant's and excluding those which because of differentiating characteristics do not compete.³

To identify services that are 'substitutable for, or otherwise competitive with' the services under consideration, the Commission uses the 'price elevation test'. The resulting market is the smallest area over which a profit maximising monopolist could impose a small but significant and non-transitory price increase. In addition, the Commission takes account of 'commercial reality' to ensure that the market which it identifies accurately reflects the arena of competition.⁴

The availability of close substitutes (on both the demand and supply sides) constrains the ability of suppliers to profitably divert prices or quality of service from competitive levels. Generally, a greater range of substitutes points to a broader market in which individual participants have less power, and consequently competition is more effective.

Part XIC of the Act does not require the Commission, in identifying relevant markets, to take a definitive stance on market definition. Furthermore, over time, declaration itself might affect the dimensions of these markets, particularly in relation to the functional dimension. Accordingly, market analysis under Part XIC should be seen in the context of shedding light on how declaration would promote competition rather than in the context of developing 'all purpose' market definitions.

Eligible service — wholesale carriage

Description

The eligible services proposed are fundamentally services for the delivery of pay TV services over broadband cable networks (hereafter generically referred to as 'technology neutral cable carriage services'). This service essentially involves the following elements:

3 *Queensland Wire Industries Pty Ltd v. BHP Ltd* (1989) ATPR ¶40-925, p. 50,008 per Mason CJ and Wilson J.

4 See, for instance, paragraphs 5.49 and 5.66 of the Commission's *Merger guidelines*, June 1999.

- receipt by the carrier of a pay TV service in the form of a sequence of video, audio and related signals;
- modulation and encryption of the signals for analogue transmission over the carrier's cable network;
- carriage of the signals over the carrier's cable network; and
- demodulation and decryption of the signals in the end-users' conditional access equipment.

The eligible service is an input into the delivery of retail broadcasting services. A technology neutral cable carriage service would, if declared, cover a digital cable carriage service. Accordingly, digital carriage and digital service provision to end users would be the key services which would be affected by any declaration.

Overseas trends

In overseas markets, digital broadcasting has recently begun to gain momentum, via a range of delivery technologies.

In the United States, digital broadcasting services have been available by satellite since 1994. DISH Network and DirectTV, two of the leading satellite broadcasters claim a total customer base between them of about 9.5 million customers.⁵ The National Cable Television Association stated in its review of 1998 that '1.4 million homes currently subscribe to a cable digital service'. It further noted that 'the number of digital service customers is expected to increase...to 9.8 million homes by the end of the year 2000'. Cable services have around 65 million subscribers at present.⁶ The National Association of Broadcasters stated on 15 June 1999 that 68 television stations, reaching nearly 50 per cent of all US households, were delivering free, over-the-air digital signals.⁷

In the United Kingdom, digital network licences using over-the-air digital signals were allocated in 1996–97. The licences have been used to simulcast existing services or to provide multi-channel subscription services.⁸ Cable services are expected to begin digital broadcasting during 1999. Sky, the satellite operator, began digital broadcasting in 1998.

5 News release, DIRECTV 17 June 1999; News release Dish Network, 14 June 1999.

6 'The Cable Industry at a Glance', National Cable Television Association, at <http://www.ncta.com/glance.html>

7 News release, 3 May 1999, National Association of Broadcasters.

8 OnDigital, the principal digital subscription television provider via terrestrial spectrum, had 247, 000 subscribers by June 1999, after operating since November 1998 (the industry had a total of 6.87 million subscribers in 1998 [Strategis Group figures quoted in *Multichannel News International*, November 1998]).

Australia

Satellite subscription broadcasting services are digital to the set-top unit, and have been available since 1995. However, current satellite services have not emphasised benefits peculiar to digital technology in their marketing to consumers.

Commercial and national free-to-air broadcasters will be required to begin digital terrestrial television broadcasting (DTTB) in metropolitan areas by 1 January 2001 and in regional areas from that date onwards so that they have DTTB by 1 January 2004. The Australian Broadcasting Authority noted in its submission that 'the spread of digital technology in subscription TV is likely to be highly dependent on the digital take-up rate in the broadcast services markets, as many subscribers will be unwilling to purchase digital equipment solely for viewing pay TV services'.⁹

Existing cable networks are not currently configured to deliver digital pay TV services to subscribers in Australia. No timetables for upgrading to digital have been publicly announced by any of the cable operators.

Competition in the carriage and provision of digital services

The advantages of digital have been identified as a greater choice of channels, including niche services, higher picture and sound quality, greater interactivity, and the introduction of new services such as electronic program guides and parental control features. While overseas developments demonstrate a growing level of demand for digital broadcasting services, and significant readiness to invest in providing such services, there are still uncertainties about the nature and extent of consumer demand for them.

In Australia, the regulatory framework for digital terrestrial broadcasting is still being settled. A number of Government reviews are under way (dealing with, among other things, enhanced services, datacasting and multichannelling for national broadcasters) into the potential uses of digital services provided over the broadcasting spectrum.¹⁰ These reviews will have an impact on the nature of the digital services free-to-air broadcasters can offer. In due course, they are also likely to influence the nature and timing of digital broadcasting by cable operators.

Some submissions have also stated that the introduction of digital subscription broadcasting would provide so much additional capacity that it would be easy to accommodate service providers wishing to access customers directly via cable networks.

9 Australian Broadcasting Authority submission, p. 7.

10 These include Reviews of Enhanced Programming, Datacasting and Multichanneling for National Broadcasters. A Review of Broadcasting Legislation is also underway by the Productivity Commission which may have an impact on these issues.

Given the uncertainties in terms of consumer demand, regulation and business models, the Commission considers that there is not sufficient evidence at this stage that declaration would promote competition in the carriage and provision of digital services.

The Commission considered the extent to which the declaration of the eligible service would remove obstacles to end-users of listed services gaining access to listed services. The Commission does not consider that there is sufficient evidence at this point to indicate that declaration would remove obstacles to end-users gaining access to digital services.

Achieving any-to-any connectivity

In addition to the impact of declaration on competition, the Commission must consider whether declaration is likely to result in any-to-any connectivity in relation to carriage services involving communications between end-users.

Any-to-any connectivity enables end-users to communicate with each other, irrespective of the network to which they are connected. As the explanatory memorandum to the Trade Practices Amendment (Telecommunications) Bill 1996 noted, the concept of any-to-any connectivity is not always relevant in the declaration context.

As noted in the Commission's discussion papers, the proposed declaration does not appear to be relevant in this context. Accordingly, the Commission has given no weight to this consideration in assessing whether declaration of each eligible service is likely to promote the long-term interests of end-users through the achievement of any-to-any connectivity.

Encouraging efficiency

The final matter to which the Commission must give consideration in forming a view as to the impact of declaration on the long-term interests of end-users is the likely impact on the efficiency objective.

There are two components to this objective, namely — whether declaration would encourage the:

- economically efficient use of infrastructure; and
- economically efficient investment in infrastructure

for the supply of carriage services, and other services supplied by means of carriage services.

Economically efficient use of infrastructure

There are likely to be costs associated with the supply of the eligible services. These costs need to be considered in deciding whether to declare each service. In this regard, the Act requires the Commission to consider whether it is ‘technically feasible’ to supply and charge for certain services. In particular, it must consider:

- whether supplying and charging for the services is feasible in an engineering sense (i.e. having regard to the technology that is in use or available);
- the costs of supplying and charging for the services, and whether those costs are reasonable; and
- the effect of supplying and charging for the services on the operation or performance of telecommunications networks.

In the declaration context, the Commission applies these considerations to each eligible service under consideration. Where the Commission determines that it is ‘technically feasible’ to supply and charge for an eligible service, it generally will be of the view that declaration will encourage the efficient use of the infrastructure used to supply carriage services, or other services supplied by means of carriage services, unless this would discourage efficient investment.

The Australian Broadcasting Authority stated in its submission that ‘because subscriber television signals are currently being transmitted digitally, much of the existing analogue infrastructure will be able to carry signals under digital technology with few modifications other than those required to comply with a change in transmission standard. The ‘analogue’ infrastructure currently being used for subscription television is likely to have enough excess capacity to transmit a wide range of digital signals’.¹¹

¹¹ Australian Broadcasting Authority submission p. 4.

The Commission anticipates that the major cost of upgrading to digital will flow from the need to replace set-top units.

The Commission considers that it would be likely to be technically feasible to supply and charge for the eligible service. However, given the uncertainties about the nature of services to be delivered in the affected markets, it does not consider technical feasibility to be a key issue at this stage.

Economically efficient investment in infrastructure

The Act requires the Commission to consider whether declaration would encourage economically efficient investment in the infrastructure by which carriage services, and services provided by means of carriage services, are supplied.

In examining the likely impacts of declaration on economically efficient investment, and their extent, the Commission will examine the likely impact of declaration on economically efficient investment in:

- infrastructure by which the eligible services are supplied; and
- infrastructure by which other carriage services, and services supplied by means of carriage services, are supplied.

Some submissions asserted that upgrading of analogue subscription broadcasting services to digital will be inhibited if network owners anticipate that digital services will be subject to standard access obligations. Others asserted that, if an analogue service was declared, failure to declare a technology neutral service would distort investment choices between digital and analogue services.

The Commission considers that it is difficult to anticipate the effects of declaration on economically efficient investment in infrastructure at this stage.

Conclusions

In the Commission's view it is not necessary to form a conclusive view about the effect of the declaration on encouraging efficient use and investment in infrastructure at this stage. There is little evidence about the likely effect of declaration in this respect in the absence of widespread demand for digital services by subscribers or deployment of digital services by cable operators.

Conclusions

The Commission considers that, at this stage, it is difficult to anticipate with confidence the effect of declaration of a technology neutral service on the long-term interests of end-users.

While overseas deployment of digital services via cable is increasing, particularly in the United States, it is not yet clear how competition will unfold in the relevant markets in Australia.

The Commission considers that there is not sufficient evidence at this stage that declaration would promote the long-term interests of end-users. Consequently the Commission does not propose to declare the service.

The Commission will continue to monitor the deployment of digital services, and will continue to review whether there is any case for establishing an inquiry into declaration of such services under s. 152AL(3)(a) of the Act.

In general terms, the Commission's preference is to specify services in functional, rather than technology-specific, terms. This minimises any distorting effects of declaration in terms of technological and innovative developments. It also leaves the access provider with flexibility to determine the most efficient way of supplying the service and gives greater flexibility to the access seeker in terms of the service that can be provided within the ambit of the declared service.

However, where significant technological changes are anticipated, as is the case with the development of digital services, a technology-neutral service description may extend the regulatory framework unnecessarily. In considering digital and analogue carriage, for example, the Commission is not choosing between competing technologies currently delivering the same services (although that is happening to a limited extent). It is anticipating the introduction of a new technology which may, in the longer term, fundamentally affect the type of services delivered, and the competitive environment in which they are delivered and consumed. In such circumstances it is prudent for the Commission to continue to review the effect of technology specific regulation, if introduced, in the light of technological and market developments to assess whether continuing regulation is appropriate.¹²

In some cases, the Commission may consider it appropriate to specify a particular technology in its service description for a declared service. For example, the Commission has decided that declaration of an analogue-specific broadcast carriage service over line links would promote the long-term interests of end-users. This view was based on certain specific factors which apply in the analogue environment and which supported the case for declaration, but which may not necessarily be relevant in a digital environment.

12 The Commission issued a draft report in June 1999 stating that declaration of an analogue-specific broadcast carriage service over line links would promote the long-term interests of end-users.

Submissions raised the issue of whether declaration of a technology-neutral service which applies only to cable links is appropriate. In a sense, such a declaration would not be technologically neutral at all. In any future consideration of this issue, the Commission is likely to consider whether the eligible service should be confined to a service delivered over line links.

There is also an issue as to whether broadband digital services other than broadcasting should be subject to declaration. The Commission will monitor the development and deployment of such services to determine whether there is any case for establishing an inquiry into declaration under s. 152AL(3)(a) of the Act. Declaration can be made only where it meets the statutory criteria under Part XIC of the Act in relation to the long-term interests of end-users.

Appendix 1. Initial service description

Technology-neutral service description

Annexure A

The **technology-neutral subscription television broadband carriage service** is a point-to-multipoint service for the carriage of specified signals by means of line links from a facility owned, controlled or operated by a carrier or carriage service provider to conditional-access customer equipment at an end user's premises in Australia.

Where the words or phrases used in this Annexure are defined in the *Trade Practices Act 1974* or the *Telecommunications Act 1997*, they have the meaning as given in those Acts.

In this Annexure, specified signals means signals used to transmit a subscription television service.

Annexure B

The **technology-neutral subscription television broadband carriage — network management service** is the service of:

1. supplying, installing and disconnecting lines, conditional access equipment or other equipment to enable particular end-users to receive specified signals carried by means of the supply by a carrier or carriage service provider of the Technology-Neutral Subscription Television Broadband Carriage Service;
2. conditioning customer access equipment to receive specified signals requested by end-users; and
3. maintaining an end-user database of:
 1. the identity of those end-users to whom specified signals are carried by means of the supply by a carrier or carriage service provider of the Technology-Neutral Subscription Television Broadband Carriage Service; and
 2. the specified signals the end-users' conditional-access customer equipment is conditioned to receive.

Where the words or phrases used in this Annexure are defined in the *Trade Practices Act 1974* or the *Telecommunications Act 1997*, they have the meaning as given in those Acts.

In this Annexure, Technology-Neutral Subscription Television Broadband Carriage Service means the service described in Annexure A.

Appendix 2. Submissions

Submissions were received from the following organisations

- Cable & Wireless Optus
- Foxtel
- Austar
- Australian Subscription Television and Radio Association
- Paul Budde Communications Pty Ltd
- Australian Broadcasting Authority
- AAPT
- Austa Holdings Pty Limited
- NorthPower
- ACTEW Corporation
- Australian Telecommunications Users Group Limited
- Television & Radio Broadcasting Services Australia Pty Ltd
- Telstra
- Seven Network Limited

Submissions were received in relation to the draft report on the analogue subscription broadcasting carriage service from the following organisations

- Paul Budde Communications Pty Ltd
- Cable & Wireless Optus Limited
- AAPT Limited
- Television and Radio Broadcasting Services Australia Pty Ltd
- Seven Network Limited
- Australian Telecommunications Users Group Limited
- Foxtel Management Pty Ltd
- Telstra
- Australian Medical Television Pty Ltd
- Rowcom Holdings Pty Limited
- NorthPower