

## **MIGRATION PLAN**

### **REQUIRED MEASURES**

Decision made under section 577A(18) of the *Telecommunications Act 1997*

#### **DIRECTION**

Pursuant to section 577A(18) of the *Telecommunications Act 1997* and clause 5.4 of Telstra's Migration Plan, the Australian Competition and Consumer Commission (the ACCC) has decided not to approve draft required measure 1 submitted by Telstra on 13 August 2013 (the "resubmitted draft required measure"). The ACCC directs Telstra to resubmit, within 40 business days of this Direction, draft required measure 1, with draft required measure 1(b) amended to take into account the concerns specified in the ACCC's decision paper. These concerns are outlined below.

Note: The ACCC's Decision paper on required measures 1 provides examples of how draft required measure 1(b) could be amended to take into account the following concerns.

#### **ACCC concern**

##### ***Required measure 1(b): process for notifying wholesale customers of pull through exception events and the installation of temporary cables***

Telstra's draft process for notifying wholesale customers of "Notification Events" (as that term is defined in the resubmitted draft required measure) does not comply with the *Telecommunications (Migration Plan Principles) Determination 2011* for the following reason:

The resubmitted draft required measure provides that Telstra expects, in at least 90 per cent of cases, to notify wholesale customers of Notification Events within four business hours of Telstra being notified of a Notification Event, and in all other cases, no later than two business days after Telstra is notified of a Notification Event.

These timeframes are not sufficiently prompt to facilitate the management by wholesale customers of the migration of their customers in a way that minimises the period of any service outage caused by a Notification Event, for example via the timely provision of interim call diversion services.

The timeframes do not provide, to the greatest extent practicable, for equivalence between Telstra's retail business units and Telstra's wholesale customers in the timing of the receipt of notifications of Notification Events.

For the purpose of this direction, a term or expression starting with a capital letter:

- (a) Which is defined in the migration plan, has the meaning given to it in the migration plan;

- (b) Which is defined in the Structural Separation Undertaking, but is not defined in the migration plan, has the meaning given to it in the Structural Separation Undertaking;
- (c) Which is defined in the *Telecommunications Act 1997*, but is not defined in the migration plan or the Structural Separation Undertaking, has the meaning given to it in the *Telecommunications Act 1997*.