

DISCLOSURE DIRECTION

Issued by the Australian Competition and Consumer Commission

To

NBN Co Limited

ACN 136 533 741

*Pursuant to section 151BUC of the
Competition and Consumer Act 2010 (Cth)*

Direction

1. Pursuant to paragraph 151BUC(2)(c) of the *Competition and Consumer Act 2010* (the CCA), the Australian Competition and Consumer Commission directs NBN Co Limited to:
 - a) make copies of extracts of reports that are prepared pursuant to the NBN Services in Operation Record Keeping and Reporting Rules (NBN SIO RKR) that are to be prepared in accordance with Schedule 1;
 - b) prepare accompanying explanatory material in accordance with Schedule 2; and
 - c) make those extracts and explanatory material available for inspection and purchase by the public by marking them as available for public disclosure and providing them to the ACCC:
 - i) each calendar quarter;
 - ii) within thirty calendar days of the end of the calendar quarter to which the extract relates, or if that day is not a business day in the State of New South Wales, from the business day next following; and
 - iii) in an open file format able to be read by Microsoft Excel.
2. This Direction expires when the NBN SIO RKR ceases to be in effect.

Interpretation

3. The following terms have the meaning set out in this clause:
 - a) **'Listed POI'** means a POI that is set out in the document titled "Listed Points of Interconnection – NBN Corporation", published by the ACCC on 2 November 2012.
 - b) **'NBN Access Seeker Group'** means two or more Access Seekers which are acquiring Network Access Services and that are related to each other at the end of the relevant calendar quarter.
 - c) **'Network Access Service'** means each of the Existing Network Access Services and New Network Access Services included in the report NBN Co provides to the ACCC pursuant to the NBN SIO RKR in respect of the relevant calendar quarter.
 - d) **'Satellite Access Service'** means a Network Access Service supplied by NBN Co over Satellite.

A capitalised term used in this Direction that is also used in the NBN SIO RKR has the same meaning in this Direction as it does in the NBN SIO RKR.



Anna Brakey
Commissioner
Australian Competition and Consumer Commission
Date: 15 October 2021

Schedule 1 – Extracts from NBN Services in Operation Record Keeping and Reporting Rules (NBN SIO RKR) reports

NBN Co is to prepare the following tables by aggregating data points that are drawn from the reports it prepares pursuant to the NBN SIO RKR in accordance with the methodology contained in this schedule.

Table 1 Count of AVCs by Network Access Service, and by AVC traffic class and data transfer rate tier

This table is to provide as at the end of the calendar quarter for each Network Access Service by AVC traffic class:

- a) the count of the total number of AVCs; and
- b) the sub-count of AVCs for each data transfer rate ‘tier’.

A separate entry providing the count of the total number of Sky Muster Plus SIOs to be included in the TC-4 section of the Satellite Column.

Wireless Plus AVCs and Sky Muster Plus SIOs to each be listed in a separate row.

Table 2 Sum of contracted CVC capacity by state or territory and by CVC traffic class

This table is to provide as at the end of the calendar quarter the sum of contracted CVC capacity for each CVC traffic class by state or territory, including a count of total contracted CVC capacity for each CVC traffic class.

A CVC is to be allocated to each state or territory based upon the state or territory listed in respect of the CVC in the report NBN Co provides to the ACCC pursuant to the NBN SIO RKR for the relevant calendar quarter.

Table 3 Count of NBN Points of Interconnect (POIs) by count of NBN Access Seeker Groups present

This table is to provide as at the end of the calendar quarter the count of NBN POIs that are Listed POIs that have a specified number of NBN Access Seeker Groups with contracted CVC capacity at the POI or are acquiring the Sky Muster Plus product.

The specified number of NBN Access Seeker Groups to be included in the table is to range from zero to the number of Access Seeker Groups that are present at the NBN POI with the most NBN Access Seeker Groups present.

That is, this table is to record the number of NBN POIs without Access Seeker Groups present, followed by the number with 1 NBN Access Seeker Group present, followed by the number with 2 NBN Access Seeker Groups present, and so on, until the number of NBN Access Seeker Groups that are present at the NBN POI with the most NBN Access Seeker Groups is reached.

Table 4 Count of TC-4 AVCs by Network Access Service and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of TC-4 AVCs by NBN Access Seeker Group for each relevant Network Access Service.

The Satellite Access Service counts for each Access Seeker Group is to include Sky Muster Plus SIOs and these SIOs shall be incorporated into the market share calculations set out below.

If the count of the TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 per cent of the total TC-4 AVCs for that Network Access Service as at the end of the calendar quarter, the count of TC-4 AVCs for that NBN Access Seeker Group for that Network Access Service shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 per cent of the total TC-4 AVCs for that Network Access Service as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) for that Network Access Service shall be aggregated and reported in the table as a single line item that is titled 'Other Access Seekers'.

Table 5 Count of TC-4 AVCs by download data transfer rate and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of TC-4 AVCs by NBN Access Seeker Group and by download data transfer rate across all Network Access Services. This table is to also provide as at the end of the calendar quarter the count of Sky Muster Plus SIOs and to incorporate the same market share threshold calculation as for TC-4 AVCs.

If the count of TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 per cent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 per cent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) shall be aggregated and reported in the table as a single line item that is titled 'Other Access Seekers'.

For the purpose of preparing this table, AVCs that are supplied with a data transfer rate tier that comprises a single specified download data transfer rate are to be aggregated with all other AVCs that are supplied with a data transfer rate tier with the same specified download data transfer rate, even if different upload data transfer rates may apply.

For the purpose of preparing this table, a data transfer rate tier that comprises a range of download data transfer rates is to be treated as though it comprised a single download data transfer rate that NBN offers on a data transfer rate tier. The single download data transfer rate selected is to be equal to the maximum of the range of download data transfer rates that are available on the relevant data transfer rate tier.

For instance, where NBN Co offers data transfer rate tiers on a Network Access Service with download data transfer rates of 12 Mbps, 25 Mbps, 25-50 Mbps and 25-100 Mbps; and offers data transfer rate tiers with download data transfer rates of 12 Mbps, 25 Mbps, 50 Mbps and 100 Mbps on another Network Access Service, the contracted download data transfer rate of the 25-50 Mbps data transfer rate tier is to be treated as though it was 50 Mbps, and the contracted

download data transfer rate tier of the 25-100 Mbps data transfer rate tier is to be treated as though it was 100 Mbps.

Table 6 Count of TC-4 AVCs by state or territory and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of total TC-4 AVCs by state or territory and by NBN Access Seeker Group across all Network Access Services, including a count of total TC-4 AVCs for each state or territory.

If the count of TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for that NBN Access Seeker Group shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) shall be aggregated and reported in the table as a single line item that is titled 'Other Access Seekers'.

An AVC that is supplied on a Network Access Service that is not a Satellite Access Service is to be allocated to a state or territory based upon the state or territory listed in respect of the AVC in the report NBN Co provides to the ACCC pursuant to the NBN SIO RKR for the relevant calendar.

An AVC that is supplied on a Satellite Access Service is not to be reported in this table.

Table 7 Count of TC-4 AVCs by metropolitan/regional designation and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of TC-4 AVCs by NBN Access Seeker Group and by metropolitan/regional designation across all Network Access Services.

If the count of TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for that NBN Access Seeker Group shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) shall be aggregated and reported in the table as a single line item that is titled 'Other access seekers'.

An AVC or SIO that is supplied on a Satellite Access Service is to be designated as 'regional' in all cases.

If an AVC is supplied on a Network Access Service that is not a Satellite Access Service and is connected to a Listed POI, the AVC is to be designated as 'metropolitan', 'outer metropolitan' or 'regional' based upon the designation that is given to the POI in the document titled "Listed Points of Interconnection – NBN Corporation", published by the ACCC on 2 November 2012.

Table 8 Count of AVCs, sum of contracted CVC capacity and count of NBN Access Seeker Groups by Listed POI

This table is to provide as at the end of the calendar quarter the count of AVCs and sum of contracted CVC capacity by traffic class across all Network Access Services for each Listed POI. This table will also include the count of NBN Access Seeker Groups with contracted CVC capacity at each Listed POI.

Specifically, for each Listed POI, the table will include the following information:

1. the state or territory in which the Listed POI is located;
2. the metropolitan/regional designation of the Listed POI based upon the designation that is given to the POI in the document titled “Listed Points of Interconnection – NBN Corporation”, published by the ACCC on 2 November 2012;
3. count of TC-1 AVCs for Network Access Services (not including the Wireless access service)
4. count of TC-1 AVCs for the Wireless access service
5. count of TC-2 AVCs for Network Access Services (not including the Wireless access service)
6. count of TC-2 AVCs for the Wireless access service
7. count of TC-4 AVCs for Network Access Services (not including the Wireless access service)
8. count of TC-4 AVCs for the Wireless access service
9. sum of contracted TC-1 CVC capacity
10. sum of contracted TC-2 CVC capacity
11. sum of contracted TC-4 CVC capacity
12. count of NBN Access Seeker Groups with contracted CVC capacity at the Listed POI

AVCs or SIOs supplied on a Satellite Access Service are not to be reported in this table. An NBN Access Seeker Group with contracted CVC capacity on a Satellite Access Service only is not to be included in the count of NBN Access Seeker Groups with contracted CVC capacity at a Listed POI.

Schedule 2 – Explanatory material

The extracts may be accompanied by explanatory material that NBN Co considers relevant to explain the data that are presented in the extracts in the relevant calendar quarter. Such matters could include:

- a) that certain services have been excluded from a table in accordance with the methodology specified in the Direction, e.g. Satellite Access Services have been excluded from Table 6 in accordance with the methodology;
- b) the commencement or ceasing of supply of services over a Network Access Service, or services of different traffic class or data transfer rate tier;
- c) a significant change in NBN Co’s commercial or operational arrangements that could reasonably be expected to influence demand for services supplied by NBN Co over one or more Network Access Services; and/or
- d) a glossary of terms used in the extracts.