

Exetel Response To:

**ACCC Consultation on
further enhancements
to the *Broadband
Speed Claims –
Industry Guidance***

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ACCC Questions and Exetel Answers

Q1. Do RSPs plan to market >100 Services uniformly regardless of underlying access technology?

A1. No, the sale of > 100 Services would be offered subject to an Address based Service Qualification check. If the premises address (nbn Location ID) can receive the > 100 Service, and we choose to offer it to the customer for sale, it will be offered. If the premises address (nbn Location ID) cannot receive the > 100 Service, or we choose not to offer it to the customer for sale, it will not be offered.

Q2. Are there any issues with specifying that RSPs should utilise the lowest end of a range of speeds provided by a wholesale provider, where RSPs rely on that information in advertising typical off peak speeds?

A2. RSP's should advertise typical off peak (and peak) speeds based on their customer service test results as per the ACCC approved testing methodology.

Q3. Can the meaning of burst speeds be readily conveyed to consumers in marketing material?

A3. No. Advertising burst speeds in addition to the current peak, off-peak and speed tier naming conventions will only confuse the customer further. The speed claim standard and testing methodology should not change.

Q4. Do you have any comments on the proposal that RSPs clarify off peak speed expectations for particular consumers where they differ from what is described in retail marketing?

A4. RSP's should provide customers the test results for their nbn services' peak and off-peak speed tests when their service is first activated. If the test results indicate a lower result than is described in retail marketing, the RSP should take corrective action such as offering the customer a lower speed tier (if their line cannot support the advertised speed) and potentially lodge a fault request with the network operator if appropriate.

Q5. Are there any barriers to RSPs provisioning their networks to ensure a high quality gaming experience?

A5. The only barrier to RSPs provisioning their networks to ensure a high quality gaming experience is cost. The RSP has to invest in network infrastructure located as physically close to the customer as possible (minimise latency) and ensure that all links that connect with the network have sufficient bandwidth as to avoid any form of congestion (packet loss causing additional latency).

Q6. Do you have any comments on our proposed changes to the Guidance in respect of principle 4?

A6. If RSPs market >100 Mbps Services the RSP should clearly state that the services are “Subject To Availability” and provide an address based Service Qualification (SQ) checker on their website. If the prospective customers address qualifies for a > 100 Mbps Service, then, should the RSP choose to offer the service, the appropriate > 100Mbps service plans will be displayed.

If where specific equipment, at an additional cost, is required to achieve the full speeds of an RSP’s plan, then the RSP has not planned correctly in anticipation of the nbn product roadmap which clearly shows nbn wholesale speed tiers with download speeds of up to 1Gbps. If the RSP has not planned correctly and their “standard” modem/router does not support the > 100Mbps service, then they should clearly advise the prospective customer and offer a clearly labelled alternative that will suit the higher speed tiers. Potentially a better approach would be, on successful SQ for a > 100Mbps service, the RSP website or order form should only give the prospective customer the specific choice of purchasing a modem/router that is capable of supporting the selected speed tier service.

Q7. Should the ‘Premium’ label be applied to >100 Mbps Services or should new labels be developed for >100 Mbps Services?

A7. All name labels should be removed from all speed tiers. The RSP should just clearly state the wholesale Layer 2 speed tier the service is based on and the Typical Evening speed based on the RSP testing their services as per the ACCC approved methodology.

Q8. What would be the benefits and downsides to consumers from the development of new labels in addition to ‘Premium’ to apply to >100 Mbps Services?

A8. There are no benefits to consumers from any of the speed tier labels. They should all be removed, and a standard naming convention adopted as per A7. Customers do not need three descriptors of their service, two is more than enough.

Q9. Is it appropriate to treat wholesale products that have the same download speeds, but different upload speeds, in the same way for the purpose to labels and typical busy period speed claims?

A9. No, it is not appropriate to treat wholesale products that have the same download speeds, but different upload speeds, in the same way for the purpose to labels and typical busy period speed claims. As per A7., all name based labels should be removed and replaced by the current Layer 2 wholesale speed tier descriptor e.g., 100/20 or 100/40 with the Typical Evening Speed label prominently displayed.

Q10. Do you have any other view on the proposed enhancements to the Guidance?

A10. Customers seek clarity and simplicity in selecting their RSP and the associated broadband internet service and plan. Adding subjective/emotive standardised word label descriptors to broadband services such as “Basic”, “Standard”, “Standard plus” and “Premium” should not be the role of the regulator playing “retail marketer”. The regulator should only promote the use of clear and unambiguous numerical descriptors when describing product technical attributes (Tier 2 wholesale service plan is based on) and technical performance attributes (ACCC approved speed test results) and any service limitations that the RSP is aware of that might limit the customers’ ability to receive the service they have ordered (Copper lines for example that may not provide the speed tier ordered due to length/age/quality etc.) and the required remedial actions the RSP must take to ensure the customer is provided the service they have ordered or have agreed to acquire due to their service physical limitations.