

Our ref: 55983
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**Australian
Competition &
Consumer
Commission**

14 August 2015

Ms Jane van Beelen
Executive Director
Regulatory Affairs
Telstra Corporation Limited

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By email: jane.vanbeelen@team.telstra.com
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Dear Ms van Beelen

Migration Plan – Transitional arrangements for In-Train Orders

I am writing to advise that the Australian Competition and Consumer Commission (ACCC) has resolved not to take action under Telstra's Migration Plan that would prevent Telstra from implementing its proposed transitional arrangements for in-train order premises.

The ACCC is strongly supportive of measures that improve the migration experience and promote service continuity for consumers. In the ACCC's final decision to approve Telstra's revised Migration Plan, we noted that the in-train order provisions placed some consumers who have placed a valid order for NBN services at risk of losing access to their existing copper service prematurely.

As you are aware, the ACCC sought feedback from interested parties on Telstra's proposed transitional arrangements and, in particular, whether Telstra should consider applying these arrangements more broadly and/or consider any complementary measures to address ongoing risks to service continuity.

The ACCC received submissions from the Department of Communications and ACCAN, which both supported extending the managed disconnection of in-train order premises originally scheduled to be disconnected in August, September and October 2015 by an additional 120 Business Days.

The Department of Communications also supported a further expansion of the proposed transitional arrangements to include all known fire alarm and lift phone services, including those without an in-train order, so that those services also benefit from additional time to migrate off the copper network.

The ACCC is supportive of migration arrangements that provide greater flexibility in dealing with 'hard to migrate' premises. We therefore welcome Telstra's recent agreement to postpone the managed disconnection, for the next three waves of disconnections, of any fire alarm or lift phone services that are listed on NBN Co's register for an additional 120 Business Days, even if those services are located at premises without an in-train order.

ACCAN submits that there may be merit in applying the transitional in-train order arrangements more broadly than the next three waves of disconnections. It considers that the process to date has been reactive to experiences, which has resulted in greater risks to consumers and uncertainty.

The ACCC agrees that there may be merit in applying the arrangements more broadly. In this regard, we note that Telstra has publicly committed to reviewing whether further changes to the definition of in-train order premises are required and intends to consult with the ACCC and industry over the coming months. We look forward to Telstra presenting the outcome of this review as soon as possible

If you would like to discuss this matter, please contact Ed Seymour on (03) 9290 1886.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sean Riordan', written in a cursive style.

Sean Riordan
General Manager Industry Structure and Compliance
Infrastructure Regulation Division