



16 March 2017

Ms Clare O'Reilly  
General Manager  
Mobiles, Transmission and Consumer  
Infrastructure Regulatory Division  
Australian Competition and Consumer Commission  
Level 20, 175 Pitt Street  
Sydney NSW 2000

By email: [clare.o'reilly@accc.gov.au](mailto:clare.o'reilly@accc.gov.au)

Dear Clare,

## Variation to the NBN Co Special Access Undertaking – response to ACCAN's supplementary submission

**nbn** has reviewed the supplementary submission lodged by ACCAN on 23 February 2017 in regard to the rollout information commitments in the SAU variation.

To assist the ACCC in its consideration of the SAU Variation, **nbn** has prepared this response to ACCAN's additional points.

**nbn** agrees with ACCAN that the provision of relevant information to consumers (end users) can "*aid their transition and long term use of the nbn network*", which is why **nbn** has provided such information on its website. However, the provision of this consumer information is in addition to, and separate from, the rollout information commitments made in the SAU variation.

### Information on technology used in fixed line areas

Shortly after ACCAN provided its supplementary submission to the ACCC, **nbn** significantly updated the information available to consumers on its public website (via the "Check your address" tool) to include information on expected service availability over a longer time period (to 2019), as well as to provide **nbn**'s expectations on the fixed line technology that will be used to service each premises. This is precisely what ACCAN has advocated for in section 2 of its submission.

In light of this updated information now provided to consumers by **nbn**, all the points raised in section 2 ("Information on technology used in fixed line areas") of ACCAN's supplementary submission have now been overtaken by events.

### Rollout information

In relation to Section 1 ("Rollout Information") of ACCAN's supplementary submission, **nbn** makes the following points.

- We appreciate the effort that ACCAN has put into developing its "Get Connected" tool, but see no linkage between that tool and the assessment of whether the rollout information commitments in the SAU variation promote the LTIE.
- The "Get Connected" tool utilises forecasts of dates when construction was expected to commence in areas. While ACCAN has attempted to use these construction dates to estimate service availability dates, this will not reflect any date recognised by **nbn**, and is unlikely to provide meaningful or reliable information to the users of ACCAN's tool. In addition, ACCAN has mapped the location descriptions used in the previous three



year construction plan into graphical representations which do not necessarily reflect the actual situation in a particular location, and may lead consumers to form incorrect conclusions about when they might expect to receive a service.

- Reflecting this, and as noted by **nbn**'s Chief Customer Officer John Simon when the **nbn** "Check Your Address" tool was recently updated "... we have moved away from telling people when we'll be building in their neighbourhood to when they can contact their retailer to buy a service."<sup>1</sup>
- **nbn** believes that the changes made to the "Check Your Address" tool mean that consumers have access to the relevant information they need to consider their migration to the **nbn**<sup>TM</sup> network. This should be the primary "source of truth" for any consumer queries related to network availability, rather than intermediated by a third party tool which does not keep pace with the evolution of information made available by **nbn**.<sup>2</sup> **nbn** does not accept that it is required to provide inputs to third party availability tools which will attempt to correlate and consolidate our availability information with other information which **nbn** does not control. The information provided to consumers by **nbn** addresses the needs of end-users to understand when they are likely to be able to order an **nbn** service, and the type of service that is expected to be provided.
- In relation to the discussion in section 1.2 of the ACCAN supplementary submission, **nbn** believes that the information available to consumers via our "Check Your Address" tool addresses the needs identified by ACCAN in an appropriate manner. This is available to communities and individuals, and is more granular in nature than simply using the more aggregated location descriptions that were previously available. Again, the information now available via **nbn**'s website is directed at when services are expected to be available, rather than when construction is expected to commence, which is more relevant to the actual needs of individuals and communities when considering what the **nbn** rollout means for them.

In summary, **nbn** considers that the information it now makes available to consumers provides them with the necessary detail to make informed decisions to plan their migration to the **nbn**<sup>TM</sup> network. This is in addition to the information provided to access seekers under the SAU commitments, which is what should form the basis for the ACCC's assessment of the variation to the SAU.

If you would like to discuss any aspects of this letter, please contact Matthew Cole, General Manager Access Regulation at [matthewcole@nbngo.com.au](mailto:matthewcole@nbngo.com.au) or on (03) 9601 5231.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Caroline Lovell', is positioned above the printed name.

Caroline Lovell  
Chief Regulatory Officer

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<sup>1</sup> See <http://www.nbnco.com.au/corporate-information/media-centre/media-releases/when-will-i-get-the-nbn.html>

<sup>2</sup> Nor is it clear that the development and maintenance of this tool is an appropriate use of ACCAN's funding.