

## **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 measures 1(a) and 1(b), and directs Telstra to resubmit, within 40 business days of this Direction, draft required measures 1(a) and 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(a) and 1(b) provides illustrative examples of how the draft required measures could be amended to take into account the following concerns.

#### **ACCC concerns**

##### ***Required measure 1(a): process for obtaining consents and releases from wholesale customers for pull through***

Telstra's draft process for obtaining consents and releases from wholesale customers for pull through does not comply with the *Telecommunications (Migration Plan Principles) Determination 2011* for the following reasons:

The draft required measure does not establish reasonable policies and business practices that provide for Telstra to facilitate, to the extent that it is in Telstra's control to do so, the management by wholesale customers of the migration of their customers in a way that minimises the period of the service outage occasioned by pull through.

The draft required measure does not provide for arrangements that minimise disruption to the supply of fixed-line carriage services caused by pull through to the extent that it is in Telstra's control to do so.

The draft required measure does not provide for equivalence between Telstra's retail business units and Telstra's wholesale customers in relation to pull through.

The draft required measure does not specify those known circumstances where a wholesale customer may not be able to control the timing of disconnection resulting from pull through.

##### ***Required measure 1(b): process for notifying wholesale customers of pull through exception events***

Telstra's draft process for notifying wholesale customers of pull through exception events does not comply with the *Telecommunications (Migration Plan Principles) Determination 2011* for the following reasons:

The draft required measure does not include sufficient detail to enable the ACCC to be satisfied that Telstra's proposed approach to notifying wholesale customers of notification events facilitates the management by wholesale customers of the migration of their customers in a way that minimises the period of any service outage.

The draft required measure does not include sufficient detail to enable the ACCC to be satisfied that Telstra's proposed approach to notifying wholesale customers of notification events will be equivalent as between wholesale customers and Telstra's retail business units.

The draft required measure does not ensure that the ACCC will be provided with sufficient information to monitor Telstra's compliance with, and the effectiveness of, the draft required measure.

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*.