



NBN Co Submission on ACCC Discussion Paper reviewing the Declaration for the Domestic Transmission Capacity Service

August 2013

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Contents

1	Introduction and overview	1
2	Issues for consultation	4
2.1	Identifying relevant markets for the DTCS	4
2.2	Clarifying aspects of the existing DTCS service description	5
2.2.1	Defining geographic boundaries in the DTCS service description	5
2.2.2	Aligning the DTCS service description with the route categories identified in the DTCS FAD	5
2.2.3	Defining 'Protection' in the DTCS service description	6
2.2.4	Relevance of 'contention' and 'symmetry'	6
2.2.5	Transmission point	7
2.2.6	Outdated terminology	7
2.3	Potential impact of the NBN on the structure of the DTCS market	7
2.3.1	Potential substitution between NBN Access Services and DTCS services	8
2.4	Assessing competition for the DTCS	8
2.4.1	Impact of the NBN on the state of competition for the DTCS	8
2.4.2	Competition assessment for the currently declared DTCS routes	11
2.4.3	Regulation of tail-end services	12
2.5	Length of the DTCS declaration	12
3	Future issues that are likely to impact on the DTCS	13
3.1	Reference to 'Exchange Service Areas' in the DTCS service description	13

1 Introduction and overview

NBN Co welcomes the opportunity to comment on the ACCC's Discussion Paper reviewing the declaration for the Domestic Transmission Capacity Service (DTCS).

Although NBN Co currently provides some services that may have comparable service features to the declared DTCS, and NBN Co may over time introduce additional products of this nature (such as the Enterprise Ethernet Service), it is important to note that the current DTCS declaration, the current declaration inquiry and the category A standard access obligations do not apply to the supply of eligible services by NBN Co. Instead, all eligible services provided by NBN Co are declared under specific provisions relating to NBN corporations in Part XIC of the *Competition and Consumer Act 2010* (CCA). Part XIC provides for alternative mechanisms under which eligible services can be declared in regard to an NBN corporation, with the result that NBN Co will be subject to the category B standard access obligations set out in section 152AXB of the CCA.

The DTCS declaration is nonetheless important for NBN Co in terms of its effects on:

- the cost of NBN Co's interim transit arrangements – NBN Co currently purchases managed transmission services on a large number of routes that variously link greenfield and brownfield sites with relevant interim and permanent POIs. Many of these routes are covered by the current DTCS declaration and are therefore also covered by the pricing in the DTCS Final Access Determination (DTCS FAD). Although currently extensive, NBN Co's use of managed transmission services is temporary, and will phase down as the POI rollout and transit network build is completed and the interim POIs are migrated to the relevant permanent POIs;
- the cost of Access Seekers' backhaul from NBN Co's 121 (permanent) POIs – only a small number of Access Seekers will own their own fibre backhaul networks from all of NBN Co's POIs, so all other Access Seekers will need to buy backhaul services directly (as wholesale transmission) or indirectly (as part of a wholesale aggregation service). Many of the relevant backhaul routes are covered by the current DTCS declaration (and therefore the DTCS FAD), and a key question for the next declaration period is which of these routes are effectively competitive; and
- over time, take-up and usage of those NBN Co services that have comparable service features to the declared DTCS – all eligible services supplied by NBN Co are declared under Part XIC of the CCA (as noted above) and NBN Co's Fibre Access Service will be subject to its Special Access Undertaking once approved by the ACCC. To the extent that these services are effective substitutes for declared DTCS services this should be reflected in a reduced scope of DTCS regulation over time (as the NBN is deployed and additional products are introduced).

NBN Co supports the ACCC's long-standing approach of excluding from the scope of the DTCS declaration those transmission routes that are effectively competitive, and would expect that competitive fibre investment since the last round of deregulation in 2008 may provide some basis for narrowing the geographic scope of the declaration. In this context, NBN Co also supports adding further geographic definition to the service description of the declaration so that it is clear as to which routes are regulated and which are not regulated.

In making changes to the DTCS declaration, NBN Co submits there is a need to recognise the likely effects of the NBN on the structure of the transmission market. However, NBN Co acknowledges that the nature and timing of these effects is not (and cannot be) clear in all cases at this point in time. This means that there is a need to focus on those effects, such as the concentration of transmission traffic on routes from the NBN Co POIs, that can be confidently predicted and need to be addressed now, and to leave for future consideration those other effects, such as what geographic unit to use instead of ESAs, that are difficult to predict and/or do not need to be addressed now.

The key aspects of NBN Co's submission are as follows.

- DTCS should be re-declared for 5 years to provide certainty for all parties.
- The existing route categories (inter-capital, capital to regional and inter-exchange) should continue to be used (but with some re-labelling and additional geographic definition).
- Specific routes within the existing route categories could be deregulated if they satisfy the relevant competition criteria (and provided there are at least three fibre owners who are independent of one another and are actively involved in delivering wholesale transmission services). In the event that some existing deregulated routes no longer satisfy these criteria then they should be considered for re-regulation.
 - The deregulation of any specific routes should not take effect until after a 12 month transitional period, to 31 March 2015. This is consistent with previous ACCC decisions in declaration and exemption contexts and would allow all parties time to adjust their business plans and make alternative arrangements (if necessary).
- In addition to the existing route categories, the declaration should separately recognise a new route category – backhaul from NBN Co POIs to the relevant capital city transmission hub. NBN Co suggests that the ACCC consult with interested parties regarding how to define the relevant capital city transmission hub in respect of each NBN Co POI backhaul route (NBN Co has developed a possible set of defining characteristics).
- NBN Co does not propose any re-regulation of the NBN Co POI backhaul routes already deregulated on a capital to regional or inter-exchange basis (provided the relevant capital to regional or inter-exchange competition criteria continue to be satisfied).
- Specific routes within the NBN Co POI backhaul category could be deregulated if they satisfy the following set of NBN-relevant competition criteria:
 - the NBN Co POI must be active;
 - the route must be served by three or more independent fibre owners (including, where relevant, fibre deployed under the Regional Backbone Blackspots Program); and
 - each of these fibre owners must:
 - have a presence in the NBN Co POI; and
 - deliver wholesale transmission services which are suitable for use by NBN Access Seekers who wish to connect to the NBN at that POI.
- As at the end of July 2013, 63 of NBN Co's 121 POIs were active, 101 are forecast to be active by the end of December 2013, and 114 by the end of March 2014 (when the existing DTCS declaration expires).
- NBN Co notes the ACCC can deregulate additional routes over the period of the declaration by either varying the declaration or providing in the DTCS FAD that the Category A Standard Access Obligations are not applicable to a carrier or carriage service provider (either unconditionally or subject to conditions or limitations).

This submission is structured to follow the ACCC's Discussion Paper and provides:

- responses to the ACCC's questions in regard to current issues – section 2; and
- responses to the ACCC's questions in regard to future issues – section 3.

It should be noted that NBN Co has only answered those questions in regard to which NBN Co has a particular interest and/or is well placed to answer. Accordingly, this submission is non-exhaustive in nature and depending on how the ACCC proceeds in the course of the current inquiry NBN Co may lodge further submissions, including on matters not addressed in this initial submission.

2 Issues for consultation

2.1 Identifying relevant markets for the DTCS

Questions on which the ACCC seeks views:

2. The ACCC has previously identified that the relevant downstream markets for the DTCS include national long distance, international call, data and IP-related markets, mobile voice and mobile data. Are these the relevant downstream markets for which the DTCS continues to constitute an input?
3. Are there any additional markets in which the DTCS is an input?

In addition to the downstream markets identified in the Discussion Paper, the DTCS is also relevant to the IP-based media and pay TV markets. In this context, NBN Co would highlight the relevance of the multicast product available on NBN Co's Fibre Access Network to these downstream markets.

Questions on which the ACCC seeks views:

4. Are there any substitutes for the DTCS in any of the current geographic markets that have developed since the 2009 Declaration Decision?

With DTCS defined as symmetric and uncontended, a possible substitute for an up to 5 Mbps DTCS could be constructed based on currently available NBN Co products using a combination of 100/40 Mbps AVC (TC-4), 5 Mbps of Symmetric Access Capacity (TC-1) and 5 Mbps of CVC (TC-1). This possible substitute is only available on the NBN Co Fibre Access Network, to the extent that services have been activated over that network. Over time, NBN Co intends to introduce additional higher uncontended speed tiers and additional relevant products (such as the Enterprise Ethernet Service, the pricing and detailed technical specifications for which are still being developed). All NBN Co products are provided from end-user premises through to an NBN Co POI, and it is not possible to interconnect at any intermediate point.

2.2 Clarifying aspects of the existing DTCS service description

2.2.1 Defining geographic boundaries in the DTCS service description

Questions on which the ACCC seeks views:

5. How should the DTCS service description define the geographic boundaries of each capital city and regional centre listed in the service description? What competition criteria should be applied to determine these boundaries?
6. During commercial negotiations, how do parties typically interpret the geographic boundaries of each capital city and regional centre listed in the DTCS service description?

In principle, NBN Co considers the geographic boundaries of each capital city and regional area in the DTCS service description should relate to an area of concentrated urban development, and mark the extent of medium to high density infrastructure deployment (relating to electricity, water, gas and communications). The boundary concept should not be based on technology or network specific units, be they ESAs or FSAs (in the NBN context).

In practice, the DTCS FAD appears to provide a workable basis for defining the necessary geographic boundaries for the purposes of the next declaration period. This approach removes any ambiguity in regard to what is and is not regulated by defining geographic boundaries with respect to a specified list of ESAs. (Separately, NBN Co considers there should be a more specific definition in regard to NBN Co POI backhaul routes, as discussed in response to questions 17 and 18 below.)

However, as the NBN rollout continues, the ongoing use of ESAs as a geographic unit may become less relevant and the approach should be reviewed. It may be appropriate to consider moving to the ABS Urban Centres and Localities (UCL) and constituent ABS sub-area definitions as a possible alternative for the subsequent declaration period.

Whatever approach is adopted in the next and subsequent declaration periods, it is important for the service description to make clear that the areas listed as being within the relevant geographic boundary for a capital city or regional centre are only relevant for defining the A-end or the B-end of an inter-capital or capital to regional route. As such, the extent of any deregulation of inter-exchange routes is a separate matter and it is possible that there will be some areas within the geographic boundary of a capital city that will not meet the inter-exchange competition criteria.

2.2.2 Aligning the DTCS service description with the route categories identified in the DTCS FAD

Questions on which the ACCC seeks views:

7. Should the revised terminology used in the DTCS FAD to identify the geographic route categories be adopted into the DTCS service description? That is, should references to capital-regional route in the service description be replaced with regional route and references to inter-exchange transmission be replaced with metropolitan route?

NBN Co has no issue with the ACCC adopting the revised geographic route terminology used in the DTCS FAD in the DTCS service description.

Questions on which the ACCC seeks views:

8. Is it appropriate to reclassify the Sydney-Campbelltown route in the DTCS service description as a deregulated metropolitan route?

NBN Co has no issue with the ACCC reclassifying the Sydney-Campbelltown route as a deregulated metropolitan route in the DTCS service description and notes the ACCC's statement that the route would remain deregulated based on the 2008 inter-exchange criteria.

2.2.3 Defining 'Protection' in the DTCS service description

Questions on which the ACCC seeks views:

9. Should the DTCS service description be updated to include a definition for protected DTCS services? If so, is it appropriate to adopt the definition for protection provided in the DTCS FAD?

As noted by the ACCC, the current DTCS service description covers both protected and unprotected DTCS services, and the DTCS FAD provides a particular definition of "protection" so that an appropriate price premium can be applied where a DTCS service is supplied with such "protection".

NBN Co considers that the approach should continue, and the DTCS service description should not include any definition for protection. The purpose of the DTCS service description should be to functionally describe the declared service in a technology neutral way. The DTCS service description then provides that both protected and unprotected services are included within the scope of the service description. There is no need to further describe this aspect of the service description – the intention is clear.

By leaving the definition of protection open, the declaration would appropriately leave open the basis on which protected DTCS services may be regulated under the declaration (as noted by the ACCC in the Discussion Paper, there are a number of ways that protection can be provided). The DTCS FAD can then include one or more definitions of protection as relevant for pricing purposes given prevailing circumstances, and the number and scope of these definitions can be adjusted over time independent of the underlying declaration.

This approach will also better cater for any changes to the definition of protection, which can be managed through the DTCS FAD rather than through the declaration itself.

2.2.4 Relevance of 'contention' and 'symmetry'

Questions on which the ACCC seeks views:

10. Is it appropriate to continue to define the declared DTCS (in the DTCS service description) as 'symmetric' and 'uncontended'?
11. Can service availability for the DTCS be described using another measure?

NBN Co has no issue with the current definition of 'symmetric' and 'uncontended' and considers it is appropriate for these definitions to continue to be used in the DTCS service description.

2.2.5 Transmission point

Questions on which the ACCC seeks views:

12. Should the current definitions for 'a point of interconnect', 'an access seeker network location' and 'a customer transmission point' in the DTCS service description be clarified or re-drafted to promote clarity? If so, how should those terms be defined?

NBN Co has no issue with the current definitions for 'a point of interconnect', 'an access seeker network location' or 'a customer transmission point' and considers it is appropriate for these definitions to continue to be used in the DTCS service description.

To aid interpretation, and consistent with the basis of the DTCS FAD pricing, it would be helpful if the service description made clear that inter-capital and capital to regional DTCS services are inclusive of the transmission tail service where the relevant transmission point is a customer transmission point, and that this is not affected by the extent to which transmission tail services are in effect separately declared.

2.2.6 Outdated terminology

Questions on which the ACCC seeks views:

13. Should references to the term 'exempt' in the DTCS service description be replaced? What other term should be used?

NBN Co has no particular issue with reference to the term 'exempt', but if a terminology change is to be made then a more appropriate descriptor could be "deregulated".

2.3 Potential impact of the NBN on the structure of the DTCS market

Questions on which the ACCC seeks views:

14. What will be the likely impact of the NBN on the market structure for the DTCS over the next few years?
15. Will DTCS traffic be concentrated on any particular routes, such as routes between NBN POIs and capital cities?

Over time, the NBN is likely to have an impact on the structure of the DTCS market in three main areas. First, backhaul from NBN Co POIs to the transmission hub in the relevant capital city is an essential input to achieve connectivity with the NBN. All NBN Access Seekers will need to self-supply or directly or indirectly purchase transmission on these routes, which will exhibit a high concentration of DTCS traffic as a consequence.

Second, the NBN is likely to provide effective substitutes for some declared DTCS services. As discussed in response to question 4, NBN Co does currently provide some services that may have comparable service features to the declared DTCS, and NBN Co intends over time to introduce additional higher uncontended speed tiers and additional relevant products (such as the Enterprise Ethernet Service, the pricing and detailed technical specifications for which are still being developed). At this stage, however, with the NBN still being rolled out, the impact of these products on the structure of the DTCS market is uncertain, both in terms of its nature and timing.

Third, the NBN may progressively lead to transmission routes ceasing to be defined by reference to Telstra exchanges or ESAs, with routes instead being defined by reference to NBN Co's POIs and recognised industry points of concentration, such as internet exchanges or carrier neutral data centres. However, this is likely to occur over time, as the rollout of the NBN progresses and it does not necessarily evidence, although it may be associated with, increasingly effective competition in the DTCS market.

2.3.1 Potential substitution between NBN Access Services and DTCS services

Questions on which the ACCC seeks views:

16. Are the current high data rate NBN Access Service services (such as the 100/40Mbps service) a comparable substitute for low data rate DTCS services, such as the 2Mbps DTCS?

Please see NBN Co's response to question 4.

2.4 Assessing competition for the DTCS

2.4.1 Impact of the NBN on the state of competition for the DTCS

Questions on which the ACCC seeks views:

17. What is the level of competition on transmission routes serving the 121 NBN POIs? Is DTCS traffic concentrated on particular routes to NBN POIs? Are there any routes which are currently declared which could be deregulated? Are there any deregulated routes which should be re-declared?
18. What is an appropriate competition criteria for assessing DTCS competition at, or near, NBN POIs?

As noted above (in response to questions 14 and 15), backhaul from the 121 NBN Co POIs to the relevant capital city transmission hub is an essential input to achieve connectivity with the NBN.

NBN Co submits that a new route category should be defined within the DTCS declaration which relates to backhaul routes from NBN Co's POIs to the relevant capital city transmission hub. NBN Co suggests that the ACCC consult with interested parties regarding how to define the relevant capital city transmission hub in respect of each NBN Co POI backhaul route. A possible set of defining characteristics could include the following.

- The relevant capital city should in general be the capital city in the state or territory in which the POI is located. However, if that capital city is not on a deregulated inter-capital route then the relevant capital city should be the closest capital city that is on a deregulated inter-capital route. (This would make Brisbane the relevant capital city for Darwin and Melbourne the relevant capital city for Hobart and Launceston.)
- The transmission hub in a relevant capital city should be:
 - a recognised industry point of concentration, such as a specific CBD or metropolitan transmission exchange, internet exchange or recognised carrier neutral data centre;
 - carrier neutral, in that carriers can exchange traffic without facing limitations due to building access, floor space, cabling, etc; and
 - where there is more than one possible transmission hub in a relevant capital city, the one that is maximally served by competing wholesale transmission providers on the routes to all relevant NBN Co POIs.

Although NBN Co does not propose any re-regulation of NBN Co POI backhaul routes already deregulated¹ on a capital to regional or inter-exchange basis (provided the relevant capital to regional or inter-exchange competition criteria continue to be satisfied), NBN Co considers that the following set of NBN-relevant competition criteria should be applied in respect of any further deregulation of NBN Co POI backhaul routes:

- the NBN Co POI must be active;
- the route must be served by three or more independent fibre owners (including, where relevant, fibre deployed under the Regional Backbone Blackspots Program); and
- each of these fibre owners must:
 - have a presence in the NBN Co POI; and
 - deliver wholesale transmission services which are suitable for use by NBN Access Seekers who wish to connect to the NBN at that POI.

The NBN-relevant competition criteria as described above are consistent with and build on the competition criteria previously used by the ACCC in deregulating specific DTCS routes and in identifying POIs to the NBN. In particular, the requirement that:

- there must be three or more independent fibre owners is a feature of the competition criteria used in the 2008 exemption decisions²;

¹ Assuming the relevant capital city transmission hub is in a CBD ESA in each relevant capital city, 49 of the 121 POI backhaul routes are deregulated under the current DTCS declaration. These 49 deregulated routes do not include the backhaul routes from the Civic and Queanbeyan POIs on the basis that the B-end of those routes should be a transmission hub in Canberra given NBN Co's suggested definition of relevant capital city transmission hub. NBN Co notes that under the current DTCS declaration Canberra is listed as an exempt capital city for the purposes of the inter-capital route category, but no Canberra CBD or metropolitan ESAs are listed in respect of the inter-exchange (metropolitan areas) or the inter-exchange (CBD areas) route categories.

² ACCC, Telstra's domestic transmission capacity service exemption applications – Final Decision, November 2008

- each fibre owner must be actually present at the NBN Co POI is similar to the requirement in the ACCC's 2008 inter-exchange competition criteria³ which required fibre owners to be present in the Telstra exchange (and it is important to note in this regard that 10 of NBN Co's 121 POIs will not be located at Telstra exchanges⁴). Actual presence is required at the POI so as to ensure the availability of backhaul to Access Seekers all the way to the NBN Co POI; and
- each fibre owner must deliver wholesale transmission services which are suitable for use by Access Seekers who wish to connect to the NBN at that POI is based on the ACCC's POI competition criteria⁵.

NBN Co considers that the NBN-relevant competition criteria should focus on the *existence* of effective competition rather than the *potential* for effective competition. NBN Co has itself observed that backhaul pricing is significantly lower, all else being equal, on routes that have three or more active competitors in the wholesale transmission market. Given the dependence of NBN Access Seekers who can't self supply on purchasing (directly or indirectly) backhaul from the NBN Co POIs, and the significant contribution that such backhaul can make to a service provider's cost to supply each end-user (particularly from regional POIs), it will promote the long term interests of end-users to continue any existing regulatory protection of NBN Co POI backhaul routes until such time as it is clear that Access Seekers do actually have an effective choice of NBN-relevant backhaul services provided by at least three independent fibre owners.

As at the end of July 2013, 63 of NBN Co's 121 POIs were active, 101 are forecast to be active by the end of December 2013, and 114 by the end of March 2014 (when the existing DTCS declaration expires). In view of this, there are likely to be a number of POIs in respect of which the relevant backhaul routes should remain declared until it is established that they are effectively competitive having regard to the NBN-relevant competition criteria that NBN Co proposes. The ACCC could deregulate additional routes over the period of the declaration, as and when the NBN-relevant competition criteria are satisfied, by either varying the declaration or providing in the DTCS FAD that the Category A Standard Access Obligations do not apply to a carrier or carriage service provider.

³ *ibid*

⁴ Of the 10 NBN Co built POIs, 8 are on backhaul routes that are currently declared (assuming the relevant capital city transmission hub is in a CBD ESA in each relevant capital city). The exceptions are the Asquith POI in NSW and the Port Melbourne POI in Victoria. In these cases, the backhaul route from the local Telstra exchange to the relevant CBD exchange is deregulated as part of the inter-exchange (metropolitan areas) route category, but transmission tail services from the POI to the local Telstra exchange are still declared.

⁵ ACCC, Advice to Government, National Broadband Network Points of Interconnect, November 2010

2.4.2 Competition assessment for the currently declared DTCS routes

Capital to regional criteria

Questions on which the ACCC seeks views:

19. Are there any regional DTCS routes which are competitive and could be removed from the scope of the DTCS declaration?
20. Is it appropriate to continue to use the capital-regional criteria for assessing competition on regional DTCS routes? If so, is it appropriate for the capital-regional criteria to:
 - a. require a minimum of three fibre providers to be present?
 - b. continue to use RPOs as the geographic location from which competitive fibre networks must be located in order to contest a regional DTCS route? If not, where should competition be assessed from?
 - c. maintain the contestable distance to 1km? If not, what should be the contestable distance?
21. If the capital-regional criteria should not be used to assess competition on declared regional routes, what should the competition criteria be?

NBN Co considers the current capital to regional competition criteria are appropriate provided the three fibre owners are independent of one another and are actively involved in delivering wholesale transmission services.

As discussed in response to questions 17 and 18, separate NBN-relevant competition criteria should be applied in regards to NBN Co POI backhaul routes. This approach provides for the ACCC to continue to deregulate capital to regional routes using its existing competition criteria while providing appropriate and specific regulatory protection in regards to NBN Co POI backhaul routes.

Inter-exchange criteria

Questions on which the ACCC seeks views:

22. Are there any metropolitan DTCS routes which are competitive and could be removed from the scope of the DTCS declaration?
23. Is it appropriate to continue to use the inter-exchange criteria for assessing competition on metropolitan DTCS routes? If so, is it appropriate for the metropolitan criteria to require:
 - a. a minimum of three fibre providers to be present
 - b. that competitors be located at a Telstra exchange and/or
 - c. that ESAs be connected in a contiguous cluster and adjoin a CBD ESA?

NBN Co considers the current inter-exchange criteria are appropriate provided the three fibre owners are independent of one another and are actively involved in delivering wholesale transmission services.

As discussed in response to questions 17 and 18, separate NBN-relevant competition criteria should be applied in regards to NBN Co POI backhaul routes. This approach provides for the ACCC to continue to deregulate inter-exchange routes using its existing competition criteria while providing appropriate and specific regulatory protection in regards to NBN Co POI backhaul routes.

2.4.3 Regulation of tail-end services

Questions on which the ACCC seeks views:

24. Should the ACCC maintain regulation of tail-end services in the 17 CBD ESAs?
25. What substitutes are available for the tail-end DTCS?
26. What competition criteria should the ACCC use when assessing levels of competition in tail-end markets?
27. Are high bandwidth NBN Access Services (such as the 100/40Mbps service) a comparable substitute for low bandwidth (such as 2Mbps) tail-end DTCS services?

Please refer to NBN Co's response to questions 4,12 and 14.

In addition, as noted in the introduction to this submission, all eligible services supplied by NBN Co are declared under Part XIC of the CCA, and NBN Co's Fibre Access Service will be subject to its Special Access Undertaking once approved by the ACCC. To the extent that these services are effective substitutes for declared DTCS services this should be reflected in a reduced scope of DTCS regulation over time (as the NBN is deployed and additional products are introduced). This is important to avoid any potential for the regulation of DTCS pricing via the DTCS FAD to undermine the regulation of NBN Co's Fibre Access Service pricing under the SAU.

2.5 Length of the DTCS declaration

Questions on which the ACCC seeks views:

32. What should be the length of the regulatory period for which the DTCS should be re-declared?

As noted by the ACCC, the telecommunications industry is likely to undergo significant commercial and regulatory changes over the next few years as the NBN is rolled out. In this environment, it is still likely that there will be an ongoing need for the DTCS declaration, although further development of the transmission market may provide the basis for progressively deregulating specific routes over time.

NBN Co considers that it would provide certainty to all parties for DTCS to be re-declared for 5 years. The ACCC is likely to need to update the DTCS FAD a number of times during this period, and could use those opportunities to consider the case for any further deregulation of backhaul routes based on transmission market developments. The ACCC could also address any such deregulation via a variation to the declaration.

Any further deregulation of transmission routes, in a re-declared DTCS or in a subsequent FAD or variation to the declaration, should not take effect until after a 12 month transitional period, consistent with previous ACCC decisions in declaration and exemption contexts. This would allow all parties time to adjust their business plans and make alternative arrangements (if necessary). Given that the current declaration expires on 31 March 2014, the transitional period in respect of any new deregulated routes arising out of the current declaration inquiry should run to 31 March 2015.

3 Future issues that are likely to impact on the DTCS

3.1 Reference to 'Exchange Service Areas' in the DTCS service description

Questions on which the ACCC seeks views:

33. Should the DTCS service description continue to identify the geographic boundary of telecommunications networks using ESAs? If not, what alternative geographic unit should be used?
34. Would the service description adequately capture the DTCS markets while the NBN is being rolled out?

Please see NBN Co's responses to question 17 and 18, in which NBN Co proposes a new route category in regard to NBN Co POI backhaul routes, and question 5 in which NBN Co proposes that, as the NBN rollout continues, the ongoing use of ESAs as a geographic unit may become less relevant and the approach should be reviewed. At this point, however, ESAs still provide a workable basis for defining many aspect of the DTCS services description.