



nbn-Confidential: Commercial

10 January 2020

Mr Robert Wright
General Manager, Insurance, Water and Wireline Markets Infrastructure Regulation
Australian Competition and Consumer Commission
Level 17, Casselden Place
2 Lonsdale Street
Melbourne VIC 3000
By email: ssu-migration@acc.gov.au

Dear Robert

Telstra's proposal to vary the Migration Plan

On 18 November 2019, Telstra submitted to the ACCC a proposed variation to the Migration Plan to incorporate a number of amendments to support the migration of customers from Telstra's legacy networks to the **nbn** access network and to support the structural separation of Telstra (**Proposed Variation**). **nbn** welcomes the opportunity to provide comments on the Proposed Variation.

nbn supports the Proposed Variation as submitted to the ACCC and especially supports the principles of service continuity. **nbn** considers that the amendments to extend the timeframes by which Telstra is required to commence its Managed Disconnection are important to allow the ongoing availability of legacy services at premises that are not yet serviceable on the **nbn** access network.

nbn considers that service continuity is paramount during the migration of end-user services to the **nbn** access network. Whilst **nbn** continues to address unserviceable premises, we will work with Telstra to minimise the impact and incidents of any disconnections or disruptions to legacy services prior to **nbn** achieving serviceability. To that extent, we consider it appropriate that the timeframes for Telstra's managed disconnection obligations be extended under the Migration Plan where serviceability has not yet been achieved, so that end-users can continue to receive legacy services until they are able to receive an **nbn** connection.

Once the proposed *Telecommunications Legislation Amendment (Competition and Consumer) Bill 2019* passes, **nbn** will be the default Statutory Infrastructure Provider for the whole of Australia.¹ The SIP regime will provide industry and end-users with certainty that all premises in Australia will have access to high speed broadband network infrastructure.

¹ Department of Communications, Telecommunications Reform Package Frequently Asked Questions, November 2019, p.7.



However, there are some challenges leading to serviceability issues due to the scale and complexity of the rollout. **nbn** believes that where premises are not yet serviceable by **nbn**, end-users should be able to continue to be serviced by legacy technologies (or via alternative technologies where available).

The existing regulatory framework supports the principle of maintaining legacy connections until **nbn** serviceability has been achieved. The Telstra Migration Plan operates consistent with this important principle. Specifically:

- The cease sale obligations do not apply to unserviceable premises – Clause 17 of the Migration Plan sets out the conditions under which Telstra will not supply new copper or HFC services. This cease sale provision does not apply to a premise which is *not* NBN Serviceable.
- Telstra has included in its Migration Plan the ability to reconnect premises (Clause 19.3).

nbn will continue to work with Telstra to minimise the incidence of, and any impact from, disruptions associated with unserviceable premises.

We encourage Telstra to work with RSPs to maintain the legacy service (e.g. via providing wholesale ADSL services), including via reconnections where appropriate at premises that are not yet connected to the **nbn** access network (or allow those premises to be connected to alternative technologies where available).

Yours sincerely

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

Jennifer Crichton
Executive General Manager - Head of Regulatory, **nbn**