

Invitation to comment on Telstra's resubmitted draft required measure 1

On 20 February 2014, Telstra resubmitted draft required measure 1 to the ACCC for approval.

This resubmitted draft includes amendments to the process that Telstra will use to notify wholesale customers if the pull through process is not successful (Required measure 1(b) – Pull through Exception Event and Installation of Temporary Cable Notifications).

Telstra has resubmitted this draft required measure in response to an [ACCC Direction issued on 20 December 2013](#) in which the ACCC indicated that it was not satisfied that Telstra's proposed timeframes for notifying wholesale customers complied with the Migration Plan Principles.

In response to these concerns, Telstra's resubmitted draft required measure 1(b) includes a clearer commitment to notify wholesale customers "as soon as reasonably practicable, but in any event, within 2 business hours of Telstra being advised by NBN Co...in at least 90% of cases, and within 4 business hours in all remaining cases" (step 6, draft clause 5.3).

Telstra has also amended the notification process flow diagram (draft clause 6) and the reporting commitment (draft clause 8) to reflect the shorter timeframes within which Telstra proposes to notify wholesale customers.

Resubmitted draft required measure 1(b) also includes other amendments that Telstra submits are necessary for it to comply with the shorter notification timeframes. For example, Telstra now proposes that the:

- Telstra wholesale point of contact will advise the wholesale customer of the "service address and will direct the wholesale customer to LOLS for details of the Notification Event" (step 6, draft clause 5.3).
- Notification will now be available to the wholesale customer via LOLS which is searchable by the service address provided to the wholesale customer in the notification (draft clause 5.4).

Specifying a communications process by which wholesale customers are to be notified

The [13 August 2013 draft of required measure 1\(b\)](#) included a commitment from Telstra to notify the wholesale customer "using a business as usual communications process which Telstra Wholesale uses to notify that Wholesale Customer of service outages."¹

Telstra has removed this commitment from resubmitted draft required measure 1(b) which now does not specify the communications process that Telstra will use to notify wholesale customers (under step 6, draft clause 5.3). The process flow diagram now includes a note indicating that "the process for notification may vary in order to meet the timeframe" (draft clause 6).

In its supporting submission to resubmitted draft required measure 1(b), Telstra explains this change on the grounds that:

¹ Previous wording of step 6 of draft clause 5.3 of Telstra's August 2013 draft required measure 1(b)

“Telstra is unable to commit to its BAU communications process within the shortened timeframe of 2 Business Hours as none of the involved parties have operational experience with Pull Through Exception events. However, once the parties have relevant operational experience, Telstra will endeavour to use its BAU process to communicate Notification Events and will work with Wholesale Customers over time to determine an appropriate communications process that meets the 2 Business Hour timeframe.”²

Telstra’s resubmitted draft required measure 1(b) and its supporting submission are available [here](#).

Submissions from interested parties

The ACCC invites interested parties to comment on the following questions in relation to Telstra’s resubmitted required measure 1(b):

- 1) Do you consider that the revised notification timeframes will enable Telstra wholesale customers to effectively manage the period of service outage for their end-users?
- 2) Do Telstra wholesale customers require clarity over any of the following aspects of the notification process so as to effectively manage the period of the relevant service outage for their end-users:
 - (a) which staff/business unit within the Telstra wholesale customer’s business receives the notification?
 - (b) how that notification is received? (i.e. via email, phone or by other means)
 - (c) which staff/business unit within Telstra is responsible for notifying wholesale customers (assuming all other requirements are met, e.g. in relation to information security, etc.)?

If this clarity would assist wholesale customers to manage the period of the service outage, should this clarity be given in required measure 1(b) or can this be left to subsequent agreement at an operational level without regulatory recourse?

- 3) What business processes or practices do wholesale customers currently have in place for the receipt of Telstra notifications about service outages?
- 4) Can Telstra wholesale customers search LOLS using search functions based on the service address to locate fault records? In this regard, the ACCC notes that clause 5.4 of resubmitted draft required measure 1(b) appears to include a drafting error (due to its apparent inconsistency with revised step 6) as it states that wholesale customers can search LOLS fault records based on “either the Telstra fault reference number provided in the notification or the service address.” Would provision of the Telstra fault reference number in the notification assist with searching for the fault record in LOLS?

The ACCC is not proposing to re-open consideration of other aspects of resubmitted draft required measure 1(b) that do not relate to the specific questions outlined above.

² Telstra’s supporting submission, p.3 and 4

Submissions in response to this consultation process will be accepted until **5:00 pm on Tuesday 18 March 2014**. Any submissions received after this time may not be considered.

All submissions will be considered public and posted on the ACCC's website. If stakeholders wish to submit commercial-in-confidence material to the ACCC they should submit a public and a commercial-in-confidence version of their submission. The public version of the submission should clearly identify the commercial-in-confidence material by replacing the confidential material with an appropriate symbol or '[c-i-c]'.

The ACCC-AER information policy: the collection, use and disclosure of information guide sets out the general policy of the ACCC and the Australian Energy Regulator (AER) on the collection, use and disclosure of information. A copy of the guide is available on the ACCC website.

The ACCC prefers to receive electronic copies of submissions in either Adobe PDF or Microsoft Word format that is text searchable. Please send submissions to the following email address: ssu-migration@acc.gov.au.

The ACCC also accepts hard copies of submissions. Any hard copy should be sent to:

Sean Riordan
General Manager
Industry Structure and Compliance, Communications Group
Australian Competition and Consumer Commission
GPO Box 520, Melbourne VIC 3001

Background

Telstra has resubmitted draft required measure 1(b) in response to an ACCC direction issued on 20 December 2013. The ACCC also published a [Decision paper](#) detailing its concerns with previous draft required measure 1(b). The ACCC indicated that, on the basis of improvements made to address ACCC concerns with a previous draft of required measure 1, it was satisfied that draft required measure 1(a) complies with the Migration Plan Principles.

Required measure 1(a) and 1(b) comprise two related processes that Telstra must develop under the one required measure. Accordingly, Telstra has resubmitted draft required measure 1(a) in the same form as the 13 August 2013 draft. The resubmitted draft of required measure 1(a) is available [here](#).