

**TELSTRA CORPORATION LIMITED**

**Replacement Required Measure 1:**

**Required Measure 1(a) – Pull Through Consents**

**Required Measure 1(b) – Pull Through Exception Event and Installation of Temporary Cable Notifications**

Submission in support

13 November 2015

## Summary

We are pleased to submit a replacement Required Measure 1(a) – Pull Through Consents and Required Measure 1(b) – Pull Through Exception Event and Installation of Temporary Cable Notifications (**Required Measure 1**) to the Australian Competition and Consumer Commission (**ACCC**), Wholesale Customers and NBN Co for consultation. This draft incorporates minor changes to the previous versions of Required Measure 1(a) and Required Measure 1(b) approved by the ACCC, to reflect the Government’s policy shift to a multi-technology mix (**MTM**) rollout for the National Broadband Network (**NBN**).

This submission explains the changes made in the replacement Required Measure 1 and sets out how it complies with the *Telecommunications (Migration Plan Principles) Determination 2015 (MPPs)*.

## Background

Required Measure 1(a) outlines the process we will use to obtain relevant consents and releases from Wholesale Customers associated with Pull Through Activities by NBN Co. Required Measure 1(b) sets out the process we will use to provide relevant notices to Wholesale Customers associated with Pull Through Exception Events when notified to us by NBN Co

We have made relatively few revisions to the processes and procedures facilitating Pull Through Activities and notifications described in Required Measure 1 to accommodate the MTM NBN rollout. Essentially, the processes for Pull Through Activities, the approach we will take to obtaining consents from Wholesale Customers to Pull Through Activities and the notifications we provide to Wholesale Customers associated with Pull Through Exception Events and the installation of Temporary Cables have remained the same. The key difference is that Required Measure 1 now contemplates that NBN Co may ‘pull through’ not only its fibre lines, but also its Copper or HFC Lines in this process. The Wholesale Customer’s consent and the process under Required Measure 1 is therefore broadened to capture this wider use of the pull-through process.

These changes and their implications are summarised below.

Development	Implications
<b>Pull through can now occur for Copper or HFC Lines, in addition to fibre cables</b>	<p>Required Measure 1(a) has been amended to clarify that ‘pull through’ may occur in relation to Copper and HFC Lines, as well as fibre cables in the event that NBN Co (or its contractors) are unable to ‘push’ its optical fibre cable, Copper or HFC Line through the relevant Lead in Conduit (<b>LIC</b>).</p> <p>The scope of the consents to NBN Co undertaking Pull Through Activities and the releases in favour of NBN Co and undertakings provided under the Deed Poll for and on behalf of NBN Co remain unchanged, but will incorporate the new technologies accommodated in the pull-through process.</p>
<b>Proposed approach to obtaining consents and releases from Wholesale Customers to pull through of Copper or HFC Lines (who have already consented to the pull through of fibre)</b>	<p>Once the replacement Required Measure 1 is accepted by the ACCC, any future consents provided by Wholesale Customers will be obtained on the basis of the broader operation of the pull-through process as described above.</p> <p>As the scope of Pull Through Activities remains the same and the only change is the type of cables that may be used by NBN Co to complete ‘pull through’, we are not proposing to require Wholesale Customers that have already signed a Deed Poll consenting to Pull Through Activities to sign a revised Deed Poll in order for their</p>

	<p>consent to apply to the new technologies.</p> <p>Rather, to maintain the simplicity of the process, we are proposing to apply any consents already provided by Wholesale Customers to the extended pull-through process, unless the Wholesale Customer provides us with notice withdrawing its consent. Under the terms of the Deed Poll, Wholesale Customers are able to terminate at any time by providing written notice and such termination will not affect the consents, releases and undertakings that have already been given in respect of Pull Through Activities on a particular line. We will be writing to affected Wholesale Customers in due course.</p>
<p><b>Relocation of existing reporting requirements in Required Measures 1(a) and 1(b) to the Varied Migration Plan</b></p>	<p>Our obligations to report to the ACCC under Required Measures 1(a) and 1(b) will remain unchanged. We will however relocate the reporting obligations into the one clause within the Migration Plan for ease of reference, after each of the Required Measures and Schedules that are to be replaced in accordance with clause 5 of the Varied Migration Plan have been accepted.</p> <p>We are not proposing to make any changes to the substance of those reporting obligations.</p>
<p><b>Minor terminology changes</b></p>	<p>We have also taken the opportunity to update Required Measure 1(a) to reflect changes to defined terms already used in the Varied Migration Plan and name changes to certain positions within Telstra.</p>

Draft replacement Required Measures 1(a) and (b) are subject to consultation with and disallowance by the ACCC under clause 5.2 of the Varied Migration Plan. The ACCC:

- (a) may object to a replacement Required Measure if it is not compliant with the MPPs;
- (b) may not object to a replacement Required Measure if it is required by and consistent with a Standard Industry Process of or applicable generally accepted industry arrangement.

We believe the minimal changes to the draft replacement Required Measures 1(a) and (b), together with the approach taken in applying existing consents provided by Wholesale Customers to the new technologies for the NBN, maintain the Required Measures' alignment with the MPPs, and are practical and customer focused. This is particularly the case given the limited role NBN Co's Pull Through Activities have played in the rollout of the NBN to date.

We are pleased to submit the replacement draft Required Measures 1(a) and (b) for consultation in accordance with clause 5.2 of the Varied Migration Plan.