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AT&T RESPONSE TO ACCC DISCUSSION PAPER ON PROPOSED NBN CO CARRIER LICENCE CONDITION ABOUT INFORMATION DISCLOSURE

AT&T would like to thank the ACCC for the opportunity to provide input on “Proposed NBN Co Carrier Licence Condition about Information Disclosure”. We agree with the Minister that handling of information by NBN Co and Telstra is a critical issue in ensuring that the competition objectives of the Government’s NBN reforms are realised, and we welcome the proposed imposition of a carrier licence condition on NBN Co, so as to ensure symmetry between Telstra and all other retail service providers in respect of relevant NBN-rollout and related information.

AT&T is one of the largest communications companies in the world. AT&T’s global network carries over 73 petabytes of data traffic on an average business day to nearly every continent and country. Its network carries a full range of IP-based services, including wireless data, business video, data and voice services, private line and wavelength traffic, as well as IP-based residential services and Internet access. Through its powerful global network, AT&T provides integrated solutions to millions of business customers and offers a wide variety of wired and wireless products and services to increase businesses’ productivity. These customers range from the largest multinational corporations to small businesses, in all major industries.

In Australia, AT&T is a second tier provider procuring NBN services through Telstra. We provide data services to our multinational customers by reselling wholesale services from leading suppliers such as Telstra, Optus and AAPT.

AT&T’S EXPERIENCE WITH NBN CO

The NBN FSAMs¹ do not directly overlay onto Telstra exchange areas. Therefore, NBN specific information is required to allow AT&T to identify NBN coverage for prequalification of new services as well as for proactive handling of existing services.

We have tried to obtain this information from NBN Co over the last 6 months with no success. We agreed to execute an NDA with NBNC Co to obtain the coverage information, however, NBNC Co maintains that its ability to share this data is restricted by 3rd party licences and that it cannot provide this data to customers such as AT&T who are not party to the Wholesale Broadband Agreement with NBN Co directly.

¹ FSAM – building block of the NBN which is approximately 2000 – 4000 end-user premises



It appears that the current environment provides very little rights and avenues for second tier service providers such as AT&T to obtain information and assistance related to NBN services.

SPECIFIC COMMENTS

AT&T is pleased to provide specific comments to some of the questions raised by ACCC.

ACCC questions

Q1. What are the likely cost and benefits of the proposed licence condition?

The proposed licence condition would oblige NBN Co to provide retail service providers with the same or equivalent information that Telstra receives from NBN Co in its capacity as the owner of separating networks. As such, the proposed condition seeks to support competition in retail markets by ensuring that all retail service providers have the opportunity to compete at the same time.

Information about the rollout can be used by retail service providers to inform decisions about marketing and product development. Timely and accurate information about when and where the rollout is occurring allows retailers to target resources and to compete more actively for customers in those regions.

In addition to achieving information symmetry, if it also leads to an increase in the quality and timeliness of information available to service providers generally, then a better consumer experience during migration to the NBN could be a further benefit arising from the proposed licence condition.

We believe that the benefits far outweigh any associated administrative and compliance costs on NBN Co for meeting the requirements of the condition.

Q2. Do you agree with the overarching objective of the proposed licence condition?

The Department has stated that the over-arching object of the licence condition is to ensure symmetry between Telstra and all other retail service providers in respect of relevant NBN-rollout and related information. AT&T agrees with this overarching objective.

Q3. Do you see any limitations or obstacles to achieving this objective via the proposed licence condition, and if so, how should they be addressed?

While there may be limitations to achieving this objective via the proposed licence condition, in the absence of any avenues for obtaining information, we consider the proposed licence condition to be a first step in the right direction.

Q4. What are appropriate underlying principles for the licence condition?

- any information on the NBN rollout that NBN Co makes available to one service provider should be made available to all service providers;
- all relevant parties to receive information from NBN Co about the NBN to place them in an equivalent position to plan for, and commence supplying, equivalent services over



the NBN fixed line network generally, and in individual NBN service areas that comprise a part of the NBN fixed line network; and

- no unnecessary restrictions on 2nd tier service providers such as AT&T gaining access to the information.

Q5. Should the licence condition incorporate principles for dealing with information flows?

- information disclosed should be accurate and timely, information for each individual service area should be provided with sufficient notice so that each service provider is equally well placed to make use of that information; and
- information disclosed should be in an appropriate format so that it can be readily interpreted.

Q6. What information about the NBN rollout do service providers require? What is the rationale for making this information available?

AT&T believes that the following information is required:

- *Construction and other ready for service (RFS) information* - This information should include the translation of NBN rollout areas to the existing and public DSL exchange areas, in addition to the NBN Co's forecast RFS date and construction milestones, as well as metrics that track NBN Co's progress towards meeting the RFS date.
- *Technology choice information* - early notification of the likely technology mix for a given rollout region.
- *Forecast and actual line quality* - NBN Co making information on forecast and (once known) actual line quality available to all retail service providers could assist them in accurately forecasting available line speeds at point of sale, and in managing consumer expectations once the service is activated and performance becomes apparent.

Q19. What level of detail should NBN Co be required to disclose? What information should be disclosed in greater detail, and what information could be disclosed in summary?

In the same way that DSL qualification is provided by way of exchange name and exchange zones, an equivalent data set is needed for NBN FSAMs, e.g. Footprint List in .xml format with the following level of detail:

- FSAM – building block of the NBN which is approximately 2000 – 4000 end-user premises
- Location ID – unique NBN identifier and how we identify the end-user premises
- Physical address – address e.g. 11 Arthur St
- Service Class – this defines the availability of NBN infrastructure at the premises and relates to the Service Level for installation
- Service level region – Australia is defined into 4 regions – Urban (towns with a population >10,000); Major and Minor Rural (towns with a population between 10,000 - 200); Remote (<200)
- Projected availability date
- Projected disconnection date



Q20. In what circumstances should NBN Co make explanatory statements about the information it discloses?

When the information disclosed warrants further explanation (e.g. when timelines are not able to be met etc.).

Q21. To whom should NBN Co disclose the information?

To all service providers.

Q22. Should any requirements or pre-conditions be placed on parties seeking to access the information?

There should be no unnecessary restrictions on 2nd tier service providers such as AT&T gaining access to the information.

In summary, a number of parties will have an interest in information about the rollout of the NBN, and information should be available to all service providers who are intending to operate over the NBN, not just to confirmed NBN Co access seekers.

AT&T is committed to engaging in an open dialogue with the Australian government and ACCC as you develop and review your policies to ensure that the competition objectives of the Government's NBN reforms are realised and we welcome this initiative by the ACCC. Please do not hesitate to contact us if you have any questions and would like to discuss the content further.

For further information, please contact:

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