

The logo for Optus, consisting of the word "OPTUS" in a bold, teal, sans-serif font.

Submission in response to
ACCC Draft Decision

**Variation to the NBN Co
Special Access
Undertaking**

Public Version

May 2023

Section 1. EXECUTIVE SUMMARY

- 1.1 Optus welcomes the opportunity to provide comments on the ACCC's draft decision to reject the variation to NBN Co's Special Access Undertaking (November 2022 SAU Variation). The process to accept a varied SAU begun in late 2021, with a series of industry workshops where NBN Co received very clear feedback on the need for price certainty and improved service levels.
- 1.2 There has been important movement on the structure of NBN pricing and this is welcomed as a significant step forward. There is little disagreement between NBN Co, the ACCC, and most RSPs on the immediate price structure and levels.
- 1.3 However, it is disappointing that almost two years has past and NBN Co has yet to offer a revised SAU that addresses service level issues. The November 2022 SAU Variation, and further proposals in NBN Co's March 2023 letter, still fail to adequately address aspects necessary to be reasonable and deliver outcomes in the long-term interests of end-users (LTIE). Indeed, NBN Co's additional information in May 2023 explicitly rejects any improvements in committed service levels.
- 1.4 However, for the SAU Variation to be considered reasonable and promoting the LTIE, there must be a clear linkage between the proposed wholesale prices increases and service quality experienced by customers. It is long overdue for NBN service standards to start addressing service quality issues, such as dropouts and poor line performance, and for this to be done proactively by NBN Co. Such commitments should be possible over the term of the SAU given that NBN Co intends to upgrade its copper-based technologies.
- 1.5 Optus' concerns are heightened given NBN Co's refusal to consider service improvements in WBA5. For example, we have proposed four reasonable and what we believe to be minor service level improvements in our negotiation with NBN Co. All have been rejected.
- 1.6 It is clear that this two-year process is no closer to resolution than it was at the beginning. NBN Co is still refusing to provide a revised SAU with service levels that promote the LTIE. Optus recommends that the ACCC intervene to move industry beyond this impasse. We recommend the following way forward:
 - (a) The ACCC immediately issue an Interim Access Determination (IAD) reflecting the three-year pricing roadmap recently released by NBN Co. This would have the effect of locking in wholesale pricing for the next three years and provide the retail industry with the certainty needed to design retail NBN products.
 - (b) The ACCC reject the revised SAU.
 - (c) NBN Co, the Government, ACCC and industry work together to address current issues with NBN service and quality levels. Should NBN Co refuse to address these concerns, the Government can make minimum wholesale standards under the SIP legislation.
- 1.7 Significant investment has been made into national broadband infrastructure to move consumers and businesses from largely copper-based services to fibre-rich services that are capable of supporting advanced digital applications. However, we risk having digital infrastructure with service levels stuck in the analogue age. This needs to be addressed in the SAU so customers receive high-quality customer experience that would be expected from world-leading digital services. As an industry and a nation, we must meet the requirements of Australians in being part of the global digital economy.

Section 2. PRICING CERTAINTY IS CRITICAL TO THE EFFICIENT OPERATION OF DOWNSTREAM MARKETS

- 2.1 Optus considers there needs to be firm commitments in place to provide price certainty to RSPs in the first and subsequent regulatory cycles. Critically, we consider that the three-year pricing roadmap should be a mandatory commitment. Optus considers that absent obligations for NBN Co to provide firm commitments about future pricing, the price certainty and control arrangements in the SAU variation should not be considered reasonable and they do not promote the LTIE.
- 2.2 As Optus noted in its submission to the Discussion Paper, the proposed price control and roadmap arrangements fall short of providing certainty to RSPs.¹ The year 2 and year 3 prices in a proposed 3-year roadmap are not binding and the multiple price control arrangements available add complexity without providing the necessary certainty to RSPs.
- 2.3 Under NBN Co's proposed arrangements year 2 and year 3 could be subject to annual price increases – such as, the greater of CPI or 5 per cent. There is currently no certainty about the year 2 and year 3 charges until the publication of the next Tariff List on the following 1 May. A forecast price increase could differ between year 1 and year 2 from what was published where there is a divergence in the annual price increase factor (such as if high CPI was applied but actual CPI was much lower) or there is a significant variance in the average combined charge (ACC) that was used to justify the price change.²
- 2.4 Further, unnecessary complexity arises given the multiple mechanisms that are proposed as part of price control arrangements. This includes:
- (a) The Weighted Average Price Control (WAPC), initially capped at CPI;
 - (b) The individual price controls (such as additional sub-caps for specified NBN offers, applying within and in addition to the WAPC); and
 - (c) Limiting drawdown of the Initial Cost Recovery Account (ICRA) of the term of the SAU.
- 2.5 The Draft Decision stated that it considered the proposed price controls and transparency measures for the subsequent regulatory period strike an appropriate balance between flexibility and providing the degree of cost certainty RSPs require. The ACCC considered that stronger commitments over the pricing roadmap could impede efficient wholesale pricing that responds to market conditions and could extend the period required to reach efficient cost recovery.³
- 2.6 The ACCC noted that the proposed pricing changes for AVC and CVC charges in the first regulatory period could result in cost uncertainty for RSPs and was not satisfied this pricing would promote the LTIE. The ACCC suggested that if NBN Co were to submit a revised SAU Variation it should look at measures like a billing rule to cap the maximum combined AVC and CVC charge that a service would attract.⁴

¹ Optus Submission, NBN Co Special Access Undertaking Variation, February 2023, pp.18-19.

² Optus submission, NBN Co Special Access Undertaking Variation, February 2023, pp.18-19.

³ ACCC, Variation to the NBN Co Special Access Undertaking - Draft Decision, April 2023, p. 39.

⁴ ACCC, Variation to the NBN Co Special Access Undertaking - Draft Decision, April 2023, p. 40.

- 2.7 The ACCC also noted that the price controls are complex and suggested more could be done to demonstrate and explain their operation by NBN Co. It recommended NBN Co publish its proposed pricing roadmap for the first regulatory cycle and accompanying modelling in order to assist stakeholders in undertakings the operation of the SAU variation.⁵ NBN Co has since released its indicative 3-year pricing roadmap for the SAU.⁶
- 2.8 Optus does not share the ACCC's view that the current pricing approach strikes the right balance between flexibility and certainty. Cost certainty remains an overwhelming concern for RSPs. Certainty is of critical importance to RSPs in managing their wholesale costs, product mix, retail pricing as well as planning future investment.
- 2.9 Optus remains concerned that the roadmap is not binding and that prices could vary from what is in NBN Co's pricing roadmap, even where this is limited by (the overly complex) price control arrangements. Even small variations in NBN Co's actual prices from any roadmap prices would have a material impact on RSPs' wholesale costs with significant impacts on the downstream supply of retail services and efficient operation of retail markets.
- 2.10 Optus believes that the pricing roadmap must be binding in order to provide the necessary confidence and certainty to RSPs to support the efficient operation of retail markets. Such certainty is also important for consumers given current cost of living pressures.
- 2.11 For example, the recently published three-year SAU pricing roadmap does not provide sufficient certainty for Optus to design future price constructs and levels. The roadmap has too many variables for an RSP to commit to future pricing strategies and levels. Optus submits this fundamentally undermines the premise of such a roadmap, and removes many, if not all, of the benefits of having a roadmap.
- 2.12 Optus also agrees with the ACCC comments that, for the first regulatory cycle, the change in pricing approach (particularly in relation to the most prolific wholesale tier, the 50Mbps tier) could contribute to cost uncertainty, particularly in relation to managing overage costs. **[CiC begins:] [CiC ends]**
- 2.13 As such, Optus also supports the suggestions from the ACCC that measures be implemented by NBN Co to assist RSPs with managing their wholesale costs. It is reasonable for NBN Co to implement measures to assist RSPs with managing their costs where there is a significant change in pricing approach that benefits NBN Co.
- 2.14 Therefore, along with these measures to address cost uncertainty for the first regulatory cycle during the transition in pricing approach, Optus considers that certainty over the long-term operation of the SAU will come from binding pricing roadmaps. These measures are reasonable, will support the efficient operation of retail markets and, ultimately, promote the long-term interests of end-users.

⁵ ACCC, Variation to the NBN Co Special Access Undertaking - Draft Decision, April 2023, p. 40.

⁶ NBN Co, 3 Year SAU Pricing Roadmap, May 2023.

Section 3. BENCHMARK SERVICE STANDARDS ARE NOT REASONABLE

- 3.1 Optus' has material concerns over the proposed service levels to apply during the first regulatory period. As Optus noted in its submission to the Discussion Paper, the benchmark service standards proposed in NBN Co's SAU Variation are not reasonable as they do not address current consumer issues. The proposed benchmark service standards and NBN Co's service standard framework provide no certainty that current consumer issues, such as dropouts and underperforming lines, will be addressed or addressed in a timely fashion.
- 3.2 It is not reasonable for end-users to experience significant price increases without any off-setting improvements in the quality or reliability of their NBN service.
- 3.3 The ACCC noted in the Draft Decision that it was satisfied that the framework for setting and reviewing benchmark services standards during the subsequent regulatory periods, including the mid-cycle review processes, is generally reasonable and would promote the LTIE except in relation to the first regulatory cycle. The ACCC expressed concerns that certain aspects of the proposed benchmark service standards for the first regulatory cycle would likely be superseded by the time the SAU variation would come into effect or shortly thereafter.⁷
- 3.4 The ACCC stated it was not satisfied that the framework for improving services standards over the first regulatory cycle would be effective during this first regulatory cycle as NBN did not consult with stakeholders in preparing the proposed benchmark services standards and there is no commitment in the SAU Variation for NBN Co to do so.⁸
- 3.5 The ACCC noted its concerns could potentially be addressed by changes to the SAU Variation to include:
- (a) A commitment to update the benchmark services standards proximate to any acceptance of the SAU variation and to inform the ACCC and other stakeholders whether the updated benchmark service standards will be part of a future cost pass-through application; and
 - (b) A commitment to periodically consult stakeholders over the measures that NBN Co should prioritise over the first regulatory cycle and update the benchmark service standards to incorporate improvements that are identified in this way.⁹
- 3.6 In its letter to the ACCC of 24 March 2023, NBN Co stated it has sought to identify potential improvements to its service level commitments in the benchmark service standards and as part of the WBA5 consultation process and is committed to continued collaboration with the industry to improve those service elements identified as critical from an end-user and RSP perspective.¹⁰

⁷ ACCC, Variation to the NBN Co Special Access Undertaking - Draft Decision, April 2023, pp. 70-71.

⁸ ACCC, Variation to the NBN Co Special Access Undertaking - Draft Decision, April 2023, p. 71.

⁹ ACCC, Variation to the NBN Co Special Access Undertaking - Draft Decision, April 2023, p. 71.

¹⁰ NBN Co letter to the ACCC (Ms Sarah Proudfoot), 24 March 2023, pp. 6-7.

- 3.7 In its letter, NBN Co proposed it would incorporate into the SAU the following commitments for the first regulatory cycle:
- (a) It would publish an indicative and non-binding annual service improvement plan; and
 - (b) Conduct an annual service performance review of WBA service levels / performance objectives.
- 3.8 The Service Improvement Plan would summarise initiatives, their benefits, timeframes for implementation and related opex/capex forecasts to address RSP and end-user experience in the next 12 months.
- 3.9 NBN Co also proposes to conduct an annual Service Performance Review of the effectiveness and relevance of existing WBA service levels and objectives to ensure it only makes enhanced service level commitments where it is confident of meeting such commitments.¹¹
- 3.10 NBN Co considers these proposals provide a framework that will identify where NBN Co and its network are capable of delivering enhanced service level commitments and will enhance industry confidence in NBN Co's expenditure forecasts dedicated to service improvement. NBN Co specifically notes it cannot make further enhanced service level commitments at this time without incurring significant and unplanned expenditure that would require prices to be revisited.¹²
- 3.11 NBN Co further elaborated on the proposed Service Improvement Plan and Service Performance Review processes and detailed additional changes it proposed making to the SAU Variation as a result of the concerns on the benchmark service standards for the first regulatory cycle in the ACCC's Draft Decision.¹³ NBN Co noted that the SAU Variation it plans to submit in June 2023 will address the ACCC's concerns and include:
- (a) a commitment to update the benchmark service standards proximate to any acceptance of the SAU Variation and to inform stakeholders whether updated benchmark service standards would be part of a future cost pass-through application;
 - (b) a commitment to periodically consult stakeholders over the measures that NBN Co should prioritise over the first regulatory cycle and update the benchmark service standards to incorporate improvements that are identified in this way.¹⁴

Proposed changes are not sufficient to address the concerns

- 3.12 Optus has a number of concerns remaining in relation to the benchmark service standards, their approach and NBN Co's proposals to address concerns. The SAU is an opportunity to put in place a service standards framework that will deliver quality of service outcomes Australians expect and need to achieve the country's Digital Economy objectives.

¹¹ NBN Co letter to the ACCC (Ms Sarah Proudfoot), 24 March 2023, pp. 7-8.

¹² NBN Co letter to the ACCC (Ms Sarah Proudfoot), 24 March 2023, p. 8.

¹³ NBN Co, NBN Special Access Undertaking Variation: Response to ACCC Draft Decision – Service quality, May 2023, p. 6.

¹⁴ NBN Co, NBN Special Access Undertaking Variation: Response to ACCC Draft Decision – Service quality, May 2023, p. 6.

- 3.13 Firstly, Optus considers the benchmark services standards do not provide an acceptable baseline level of service as they do not address current consumer experience issues, even with the ‘enhancements’ proposed as part of WBA5. Optus provided details in its February 2023 submission on why the proposed benchmark service standards (in the November 2022 SAU Variation) did not address current consumer issues. Optus’ view is that the benchmark service standards are not reasonable and do not promote the LTIE.
- 3.14 Optus considers the ACCC’s concern in the Draft Decision that there are no commitments to update the benchmark service standards as a result of finalising WBA5 is, in and of itself, only part of the concern. Optus has fundamental concerns about the substance of the benchmark services standards.
- 3.15 While NBN Co submits it will commit to updating the benchmark service standards as a result of WBA5 negotiations, the further ‘enhancements’ it is proposing will not deliver any meaningful improvement in consumer experience or address existing consumer experience issues. This is notwithstanding that wholesale price increases means retail prices for consumers will almost certainly rise.
- 3.16 The ‘enhancements’ NBN Co proposes as part of WBA5 (set out in the table below) will not offer any meaningful improvement to end-users because, in general, NBN Co already achieves the WBA4 service level timeframes and performance objectives. Therefore, it is not clear these proposed WBA5 metrics will actually deliver noticeable, real improvements to end-users. No evidence has been provided by NBN Co to demonstrate how many customers are likely to benefit from these changes to these metrics.
- 3.17 Following is the table NBN Co included in its May 2023 submission, with NBN Co’s industry performance against the existing WBA4 metrics where changes are proposed.

Table 1: NBN Co’s industry performance against existing WBA4 metrics

| | Type | WBA 4 | Proposed WBA 5 | WBA 4 industry performance (percentage and number achieved) [CiC] | | | |
|--|--|---------------|--|---|--------|--------|--------|
| | | | | Apr 23 | Mar 23 | Feb 23 | Jan 23 |
| Activations | | | | | | | |
| Activations – NNI Group, NNI Link and V-NNI | Performance Objective | 90% | 95% | | | | |
| End User Connection | Service Level – Isolated Area (Fibre) | - | Service Class 1 = 40 Business Days Service Class 2 = 35 Business Days Service Class 3 = 1 Business Day | | | | |
| Priority Assistance Connections for logical connections | Service Level - Isolated Area (Service Class 3, 13, 24 & 34) | - | 48 hours | | | | |
| Activations – CVC | Service Level Performance Objective | 5 BD 90% | 3 BD 95% | | | | |
| Completion Advices | | | | | | | |
| Completion Advices - End | Activity duration | 30 min 70% | 15 min 85% | | | | |

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| User Connection | Performance Objective | | | | | | |
| Completion Advices – Service Transfer | Activity duration Performance Objective Performance Objective (Service Level – 1 hour) | 30 min 90% 95% | 15 min 95% 99% | | | | |
| End User Fault Rectification | | | | | | | |
| End User Fault Rectification requires external or internal plant work or NBN attendance at Premises | Service Level - Isolated Area (Fibre, FTTB/N/C, HFC and Wireless) | - | 5:00pm tenth Business Day | | | | |
| Disconnections | | | | | | | |
| Disconnections | Service Level Performance Objective | Next BD 90% | 4 Operational Hours 99% | | | | |
| Trouble Ticket Management | | | | | | | |
| Trouble Ticket Management (respond, send or notify within 2 hours) | Performance Objective | 90% | 95% | | | | |
| Service Modifications | | | | | | | |
| Access Component Modifications that do not require attendance at Premises | Service Level | 1 BD | 4 Operational Hours | | | | |
| Access Component Modification that requires attendance at Premises | Service Level - Isolated Area | - | 35 Business Days | | | | |
| CVC Modifications | Service Level | 1 BD | 4 Operational Hours | | | | |
| Dropout threshold for Service Faults | | | | | | | |
| Performance Incident Threshold HFC & FTTN | Upper unexpected dropout threshold | 9 (>9 qualifies as service fault) HFC & FTTN | 7 (>7 qualifies as service fault) HFC & FTTN | | | | |
| Performance Incident Threshold FTTC | Upper unexpected dropout threshold | - | 7 (>7 qualifies as service fault) FTTC | | | | |

- 3.18 A key reason for including service standards and processes related to service standards in the SAU is to ensure there is price/quality linkage. There has been general acknowledgement that a long-term regulatory framework for the NBN needs to include clear linkages between prices and service quality.
- 3.19 If NBN Co is to increase its wholesale prices in future to recover its costs – which the ACCC notes it must do so – then it's not unreasonable that as a result consumers should receive some benefit. An 'on paper' improvement of a higher performance objective (for which there are no consequences if the performance objective is not met) is not, in Optus' view, reasonable because it is not clear this will translate to a meaningful service quality improvement for consumers.
- 3.20 There continues to be insufficient commitments in the minimum benchmark service standards and the service standards process for these to provide an appropriate link between price and quality. There are three overarching consumer-oriented outcomes that should underpin any benchmark service standards and service quality framework. These are:
- (a) Services should be easy and simple to connect in a timely fashion;
 - (b) Services should be reliable and perform to agreed standards; and
 - (c) Services should be fixed promptly if issues arise.
- 3.21 Optus submits the above are consistent with consumer expectations for a modern high speed broadband network. A framework focussed on achieving these real outcomes would be reasonable and will promote the LTIE.
- 3.22 However, NBN Co's statements that the Service Improvement Plan and Service Performance Review process will assist it in identifying where NBN Co and its network are capable of delivering enhanced service level commitments is fundamentally the incorrect approach. The existing capabilities of the network should not be the starting point in determining what service level commitments NBN Co is capable of delivering. Instead, the focus should be on the desired consumer outcomes (such as those above) to identify the deficiencies in network capabilities where operations need to be improved. The focus must be on the end-user and what they should expect to be delivered over the NBN, especially as the cost of services increases.
- 3.23 Optus further notes that NBN Co's additional proposal to periodically consult with stakeholders is problematic. First, NBN Co has failed to engage in transparent negotiations on WBA5 service level improvements. Optus has asked NBN Co to share (in a general fashion) the matters that industry has raised as part of WBA5 negotiations. NBN Co has refused to do so.
- 3.24 Optus notes that Telstra raised a number of similar concerns to Optus about current NBN consumer issues in its SAU submissions (e.g. outages, dropouts, lengthy remediation periods, missed connection, fault rectification and appointment timeframes and lack of real time data for managing customer issues).¹⁵ These are common industry concerns that have been raised with NBN Co in past commercial consultation processes.
- 3.25 Second, if NBN Co were committed to improving customer experience it would already be undertaking transparent consultation with RSPs as part of the WBA5 negotiation

¹⁵ Telstra, Response to the Proposed Variation to the NBN Co Special Access Undertaking, 20 July 2022, pp. 50-51.

process. Optus has raised four matters in WBA5 negotiations, that it would like addressed as a first step in improving customer experience. These are:

- (a) Dropouts – Optus has sought definitions to distinguish between an unexpected dropout and an outage and clarify how dropouts relate to service availability targets.
- (b) Service level exemptions/exceptions for co-existence – Optus has requested that the lower PIR objectives for customers in co-existence be removed now that the rollout is complete.
- (c) Proactive fault creation by NBN Co – NBN Co has full visibility of a service's performance and should therefore proactively create fault cases for underperforming services and pay the related PIR objective rebate.
- (d) Connection service level timeframes for the Fibre Connect program should be reduced to be in line with the standard connection FTTP service level timeframes.

3.26 Optus has raised these consumer issues during WBA5 negotiations and NBN Co has rejected these modest improvements. It is disappointing that NBN Co is not even willing to consider modest improvements and continues to largely dismiss RSP suggestions, including where there are common industry issues.

3.27 Given this experience with NBN Co's approach to consultation, we consider the proposed Service Improvement Plan and Service Performance Review processes are likely to be restricted in their ability to result in meaningful improvements unless there are firmer obligations on NBN Co, particularly in relation to benchmark service standards. There are no firm commitments in these proposals to actually improve service standards and address current issues.

3.28 Firm commitments for benchmark service standards are clearly needed since consultation processes have historically failed to deliver meaningful improvements in a timely fashion. Further, history shows that without firm commitments, NBN Co is unlikely to deliver on promised outcomes. For example, the rebate framework introduced as a result of the ACCC's wholesale service standards inquiry has failed to properly incentivise NBN Co to address consumer issues. Consumers continue to have to wait extended time periods for lines to be remediated while receiving rebates, suggesting that rebates are not providing sufficient incentive for NBN Co to address line/service performance in a timely fashion.

3.29 There have also been ongoing problems with the rebate framework itself, including ongoing accuracy and payment issues (for example, rebates being paid many months after they were incurred). Yet this poor operation of the rebate framework would not appear to amount to non-compliance with the court enforcement undertaking provided to the ACCC. There appear to be no clear consequences for NBN Co for failing to properly implement the rebate framework.

3.30 Therefore, based on historical behaviour of NBN Co, Optus is sceptical that proposals that simply commit NBN Co to consult (rather than committing to better service standards or undertake measures that will lead to improved consumer experience) will lead to any meaningful positive outcomes for end-users. These proposed additional processes still fail to establish a clear link between price and quality. As such, Optus does not consider that:

- (a) the proposed service improvement plan;
- (b) the proposed service performance review process;

- (c) the commitment to update SAU benchmark service standards once WBA5 service standards are finalised; and
- (d) the commitment to consult stakeholders about measures that should be prioritised during the first regulatory cycle;

are reasonable, and therefore do not satisfy the legislative criteria.

Additional matters

- 3.31 Optus notes key reasons for the ACCC's rejection of the November 2022 SAU Variation included:
- (a) Limitations in the replacement module process to periodically reset regulatory access terms and other regulatory controls, which would risk access terms coming into effect by default, that would not promote efficiency and competition; and
 - (b) Principles that would require the ACCC to adjust NBN Co's revenue allowances during the post-2032 regulatory period to give NBN Co the opportunity to achieve its credit rating objective were not based on operating and investing efficiently, which could lead to inefficient pricing and risks price shocks for consumers.
- 3.32 Optus agrees that these are relevant concerns and supports measures being included in a revised SAU variation that would address the ACCC's concerns.

Suggested next steps

- 3.33 The timing of WBA5 and its interaction with the SAU creates further cost uncertainty for RSPs for the first regulatory cycle. NBN Co is currently proposing that WBA5 come into effect 1 October 2023 or *within* 3 months of the SAU being accepted.
- 3.34 It is not clear that the current SAU process will be completed in the near future. Optus notes that NBN Co has had almost three months to withdraw and re-submit an SAU along the lines of its March 2023 letter to the ACCC. NBN Co has yet to do so. Optus also observes that NBN Co's March 2023 letter and May 2023 submissions indicate it is not willing to amend the SAU to take into account many of the ACCC's (and industry's) concerns; and most notably no action is proposed on service standards. In any event, Optus considers that any further SAU variation based on NBN Co's proposed changes will not satisfy the statutory criteria.
- 3.35 The ongoing uncertainty and the inability of NBN Co to offer an SAU variation capable of being accepted after a two-year process (beginning mid-2021) is leading to material detriments for RSPs and consumers. The ACCC must step in and take control of this process.
- 3.36 In order to promote cost certainty for the first regulatory period, Optus submits the ACCC should move immediately to issuing an IAD for wholesale NBN pricing given it may still be some time until the SAU variation is in a form that satisfies the legislative criteria.
- 3.37 There is little contention over the initial price structure and levels. The ACCC has not raised concerns over year one and year two prices. We understand concerns are raised about potential future pricing movements and the interaction between 50 Mbps and 100 Mbps prices. This issue is unlikely to arise in the first two years.

3.38 Given that NBN Co, most RSPs, and the ACCC agree on the pricing proposal for the initial two years, Optus sees merit in an IAD that provides price certainty for industry while we all continue to work on ensuring adequate service levels are provided.