

26 August 2020

Australian Competition and Consumer Commission  
[CommunicationsComplianceSection@accg.gov.au](mailto:CommunicationsComplianceSection@accg.gov.au)

**Consultation on further enhancements to the Broadband Speed Claims – Industry Guidance (Guidance) – TPG Telecom Ltd (TPG) Response (Response)**

TPG welcomes the opportunity to respond to the questions posed by the Australian Competition and Consumer Commission (ACCC) in the Guidance.

TPG, through the Vodafone brand, was one of the first RSPs to on-sell the >100 Mbps Services following their launch by NBN Co in May 2020. These are the Vodafone nbn™ 250 and Ultra nbn™ plans (jointly the Vodafone High Speed NBN Plans).

TPG provides its responses to the ACCC's questions in the Guidance in Annexure A.

Please direct any questions regarding this Response to Tim McPhail, Head of Public Policy.

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## **Annexure A**

### **(1) Do RSPs plan to market >100 Services uniformly regardless of underlying access technology?**

The Vodafone High Speed NBN Plans are only marketed to customers with FTTP and HFC access technologies. Additionally, the Vodafone website clarifies that some HFC locations may not currently be eligible for the Vodafone High Speed Plans and that these plans are excluded for customers with FTTC/B access technologies.

### **(2) Are there any issues with specifying that RSPs should utilise the lowest end of a range of speeds provided by a wholesale provider, where RSPs rely on that information in advertising typical off-peak speeds?**

TPG is of the view that additional terminology for customers in the form of 'off-peak speed' may create further customer confusion in relation to NBN speeds. However, where RSPs provide off-peak speed claims, TPG considers that RSPs should utilise the lowest end of a range of speeds provided by the wholesale provider.

For reference, the Vodafone High Speed NBN Plans are advertised with reference to typical busy period speeds. Vodafone does not provide the access speed as a measure of the off-peak speed.

### **(3) Can the meaning of burst speeds be readily conveyed to consumers in marketing material?**

Consistent with TPG's response to question (2), developing additional speed claims terminology may lead to customers being confused given they are already presented with a large amount of information regarding plan speed tiers. There may also be a risk of potentially misleading customers in conveying 'burst speeds' given their intermittent nature.

### **(4) Do you have any comments on the proposal that RSPs clarify off-peak speed expectations for particular consumers where they differ from what is described in retail marketing?**

TPG notes that the proposal will be challenging for RSPs to deliver without additional support from NBN Co due to the high proportion of customers choosing to use their own modem to connect to the >100 Mbps Services.

This proposal is contingent upon NBN Co only making the >100 Mbps Services available at individual locations that can support the higher speeds. RSPs will often have limited data available on individual customer speeds because of the large number of customers using their own modems. To demonstrate, approximately 90% of customers on the Vodafone High Speed NBN Plans access these plans using their own modem.

With other NBN Co products, NBN Co assists RSPs in managing this process by delivering a weekly

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speed report of copper-based services. TPG suggests that NBN Co would have to provide similar data to RSPs for customers on the >100 Mbps Services to implement the ACCC's proposal.

**(5) Are there any barriers to RSPs provisioning their networks to ensure a high quality gaming experience?**

TPG considers that RSPs would have difficulty in provisioning their networks as the factors within the control of RSPs are largely limited to latency and peering arrangements to gaming platforms. These are unrelated to speed which is outside the control of RSPs.

**(6) Do you have any comments on our proposed changes to the Guidance in respect of principle 4?**

It is unclear what would constitute a 'specification'. For example, certain modems manufactured before 2013 may have limitations such that the speeds available with the >100 Mbps Services cannot be achieved. If this constituted a 'specification' and noting that in TPG's experience the majority of customers using the Vodafone High Speed NBN Plans bring their own modem, it would be extremely difficult to advertise the plan to include the cost of a modem manufactured after 2013 given the availability of various modems manufactured after 2013 at diverse price points.

TPG is, however, supportive of RSPs making appropriate disclosures regarding the ability of the underlying wholesale access network to support higher speeds.

**(7) Should the 'Premium' label be applied to >100 Mbps Services or should new labels be developed for >100 Mbps Services? and (8) What would be the benefits and downsides to consumers from the development of new labels in addition to 'Premium' to apply to >100 Mbps Services?**

While mindful of not creating further customer confusion, it may be helpful to consumers to have one label descriptor for the >100 Mbps Services, for example 'Ultra.' Together with the provision of typical busy period speeds delivered by the plan, this will enable consumers to make more informed choices.

**(9) Is it appropriate to treat wholesale products that have the same download speeds, but different upload speeds, in the same way for the purpose to labels and typical busy period speed claims?**

TPG considers this to be appropriate. Products with the same wholesale download speed, but different upload speeds, should be given the same label and be tested together for the purposes of determining a typical busy period speed (e.g. 100/40 Mbps and 100/20 Mbps products).

**(10) Do you have any other view on the proposed enhancements to the Guidance?**

TPG has no further comments on the proposed enhancements.