



12 May 2020

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Dear Mr Wright,

Notification of completion of consultation on Replacement Required Measures 5(A) and 5(D) and intention to publish

In accordance with clause 5.2(c) of the Migration Plan, we are now notifying you that our consultation for the proposed amendments to the Replacement Required Measures 5(A) for BDSL on FTTC nbn access technology and 5(D) for the ISDN national product exit, has concluded.

During the consultation period, we received feedback from both nbn co and a Wholesale Customer. nbn co suggested a minor drafting point within the proposed Replacement Required Measure 5(A) to ensure consistency with the Migration Plan, that has been accepted in the updated version. Refer to the yellow outline within clause 9.1(a) of the marked-up version of Required Measure 5(A) attached. The Wholesale Customer requested we reconsider our position on two matters, one matter applicable to each of Replacement Required Measures 5(A) and 5(D). For the reasons we explain below, we have not incorporated these suggested amendments in our updated versions.



1. Wholesale Customer feedback on Replacement Required Measure 5(A):

The Wholesale Customer objected to the absence of an In-Train Order (ITO) period following the Special Service (SS) Disconnection Date (DD) for BDSL on FTTC, on 22 July 2022. The Wholesale Customer advised:

- An ITO process would help to promote service continuity, especially as business customers can experience lengthy processes in switching from legacy services to nbn.
- Excluding an ITO process following an SSDD is inconsistent with standard arrangements for other DDs (both region-based DDs and other SS classes for whom the SSDD has previously passed).
- RSPs have developed their communications processes based on the existence of an ITO process and will now need to incur manual effort and cost to modify.

Based on this feedback, we acknowledge RSPs planning to rely on existing standard processes may need to amend their communications to end-users in the lead-up to this SSDD, to remove any reference to available ITO arrangements.

In our consultation document, we explained:

- A migration window exceeding 2 years is still available until the SSDD passes and this affords RSPs adequate time to work with their impacted end-customers to migrate ahead of this date.
- RSPs are better positioned to be able to migrate BDSL services on FTTC before the SSDD, by comparison to the position that existed for SS classes for whom the SSDD has previously passed (i.e. for FTTP, FTTN and FTTB nbn access technologies). This reflects that:
 - RSPs have obtained valuable experience in migrating BDSL products on FTTP, FTTN & FTTB nbn access technologies they can leverage; and
 - lower volumes exist for BDSL on FTTC, by comparison to what existed for FTTP, FTTN & FTTB nbn access technologies.
- The absence of an ITO process for the SSDD for BDSL on FTTC is a consensus position agreed with nbn co (given it is reliant on both parties in order to facilitate). We have recently reconfirmed with nbn co that our joint position remains aligned.

In addition, we also note the following:

- An ITO process was not part of the original disconnection processes developed for any SS classes, including for the SSDD for BDSL on FTTP, FTTN and FTTB nbn access technologies. ITO arrangements were only proposed in September 2018, immediately prior to the SSDD for BDSL on FTTP, FTTN and FTTB nbn access technologies. At the time, some of the key drivers to introduce an ITO included the fact industry did not have any experience with the mandatory disconnection of any SS classes, as well as there being a large number of remaining active services in the lead-up to the applicable SSDDs. As stated above, we believe that RSPs are now better positioned in this regard and have benefitted from the experience of previously migrating services to nbn access technologies.



- An ITO process would only benefit end-users in the process of migrating to solutions that are reliant on nbn technology, whereas alternative migration solutions are also available for end-users currently utilising BDSL at FTTC premises.

We therefore maintain RSPs are being provided sufficient lead-time to work with their end-customers to migrate to the nbn, or alternative solutions, ahead of the SSDD on 22 July 2022, and an ITO process is not necessary.

2. Wholesale Customer feedback on Replacement Required Measure 5(D):

The Wholesale Customer requested whether the Final Sunset Exit Date for ISDN, as scheduled for 31 May 2022, can be aligned with the above SSDD for BDSL on FTTC, as would otherwise have occurred if we had followed the nbn White Paper process. The Wholesale Customer advised it would allow RSPs to deliver a simpler message to their end-customers and suggested it was logical, given there is only two months separating these dates.

In the consultation document, we referred to our original Product Cease Sale and Exit announcement from September 2016. This announcement explained:

- Our intention was for the product exit would occur sometime in 2022.
- The product exit decision was dictated by a combination of anticipated platform obsolescence issues, the availability of vendor support and a lack of spare parts.

We confirm this subsequent decision to schedule the ISDN Final Sunset Exit Date for 31 May 2022, reflects our assessment as to when ISDN products will be at their end of life. We also note this date aligns with our product exit obligations under the Migration Plan.

Separately, we do not agree the aligning of the ISDN Final Sunset Exit Date with the SSDD for BDSL on FTTC would result in RSPs being able to deliver a simpler message to their end-customers. This is based on other differences that exist between the arrangements proposed within Replacement Required Measures 5(A) and 5(D) as listed below:

- The scope of products impacted differ, given ISDN products will be subject to a full national product exit, whereas the proposed BDSL arrangements only apply for FTTC premises.
- The proposed disconnection arrangements that apply following the ISDN Final Sunset Exit Date versus SSDD for BDSL on FTTC.

Therefore, we continue to believe at this current time, the Final Sunset Exit Date for ISDN should remain as scheduled for 31 May 2022.

Next Steps:

Should the ACCC wish to provide any feedback on these Replacement Required Measures 5(A) and 5(D), we request this feedback please be provided by Wednesday 3 June 2020, consistent with the timeframe provided for in the Migration Plan. We note that the ACCC is not required to approve the Replacement Required Measures, although may object if it does not comply with the Migration Plan Principles. Subject to any objections from the ACCC, Telstra proposes to publish these Replacement Required Measures on Wednesday 10 June 2020 via the Telstra Wholesale Customer Portal and also on telstrawholesale.com.au. Once published these Replacement Required Measures will form part of the Migration Plan.



Clean and marked-up versions of Replacement Required Measures 5(A) and 5(D) are attached to allow you to publish them on the ACCC's website.

Please do not hesitate to contact Peter Walsh on (03) 8694 3854 if you would like to discuss any of these documents.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Iain Little'.

Iain Little
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