



Voxbone (now part of Bandwidth Inc.)

Submission to the ACCC combined public inquiry into the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service.

Voxbone (now part of Bandwidth Inc.) (hereinafter Voxbone), welcomes the opportunity to provide this submission to the Australian Competition and Consumer Commission's ('ACCC') Discussion Paper on the declaration of the domestic transmission capacity service, fixed line services and domestic mobile terminating access service ('MTAS'). This submission responds to the consultation questions raised with respect to the MTAS.

Preliminary remarks

Voxbone is a global provider of public telecommunications services and has been operating on the Australian market as a Carriage Service Provider ('CSP') since 2006. Voxbone has since partnered with other local CSPs and has also been allocated numbers directly by the Australian Communications and Media Authority ('ACMA') to ensure direct and seamless provision and quality of service for our customers.

Voxbone's services benefit from technology-neutral frameworks - such as the MTAS Declaration, and thus is of the opinion that the current MTAS service description needs to be updated to keep up with the technological developments in the telecommunications sector.

Should the mobile terminating access service continue to be a declared service? And does the service description remain fit for purpose and encourage the supply of innovative services?

Yes, Voxbone is of the view that MTAS should continue to be a declared service. There are currently no regulatory obligations compelling Mobile Network Operators (MNOs) to provide or facilitate access to mobile services by non-mobile network operators, such as Voxbone. Absent regulation, the current unfavorable access conditions may be further eroded as MNOs continue to hold a monopoly over MTAS.

Voxbone's recent experience in expanding its mobile offer in Australia in collaboration with non-mobile network operators has proven difficult due to the market barriers posed by MNOs in the country.





MNOs are of the opinion that non-mobile operators cannot legally use mobile numbers to provide mobile services,¹ which is not only contrary to the Numbering Plan 2015 and the Telecommunications Act 1997 but is further not aligned with how ACMA allocates these numbering resources today.

Under the Numbering Plan 2015, digital mobile numbers ('mobile numbers') can only be used with a digital mobile service which is a public mobile telecommunications service supplied by a network using digital modulation techniques. The Telecommunications Act 1997 defines a public mobile telecommunications service as one where:

- a. An end-user can use a carriage service while moving continuously between places;
- b. The customer equipment used for the service is not in physical contact with any part of the telecommunications network by means of which the service is supplied; and
- c. The service is supplied by use of a telecommunications network that has intercell hand-over functions.

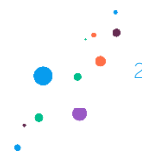
Neither the Telecommunications Act nor the Numbering Plan place any requirement for the service to be provided strictly over a mobile network. On the contrary, given the continuous technology developments, there are now many ways in which a call to a mobile handset may be terminated while respecting the nature of the mobile service as described by local laws and regulations.

Furthermore, referring to previous ACCC statements on MTAS, the MTAS service description is meant to be technology neutral and does not require the access seeker's network to be a digital mobile network.² As noted by the ACCC already in 2014, interconnection capabilities to access provider's network are not limited anymore to MNOs and is a matter of non-MNOs' commercial decision to have the required infrastructure to interconnect with MNOs' networks to acquire MTAS. Unfortunately, almost a decade later commercial roadblocks led by MNOs remain, preventing the supply of innovative services and the promotion of the long-term interests of end-users, thus, requiring the redeclaration of the MTAS.

The Discussion Paper seeks views on whether the service description remains fit-for-purpose and whether it encourages the supply of innovative services. The current service description defines MTAS as:

¹ Submissions received in the context of the Mobile terminating access service declaration inquiry - 2018. Available at: <https://www.accc.gov.au/by-industry/telecommunications-and-internet/mobile-terminating-access-service-declaration-inquiry-2018/discussion-paper>

² Explanatory notes on the MTAS declaration 2013.





Domestic Mobile Terminating Access Service

The domestic mobile terminating access services is an access service for the carriage of voice calls from a point of interconnection, or potential point of interconnection, to a B-Party directly connected to the access provider's digital mobile network.

In this sense, the scope of the MTAS service description is no longer fit for purpose and falls behind current market trends as identified by the ACCC where MNOs offer Voice over Long Term Evolution (VoLTE) and Voice over WiFi (ViWiFi) - and calls delivered by VoWiFi are not carried over the MNO's radio access networks: to make these calls, an A-Party needs only know the B-Party's mobile number.³

As mobile numbers are the common component of MTAS, Voxbone supports changing the service description to refer to termination on a *mobile number* rather than to a *digital mobile network*. In support of our position, we would like to offer the following definition for consideration, to make the MTAS service description as technology neutral as possible:

Domestic Mobile Terminating Access Service

The domestic mobile terminating access service is an access service for the carriage of voice calls from a point of interconnection, or potential point of interconnection, to end-customers assigned numbers from the digital mobile number ranges of the Australian Numbering Plan.

Please direct any questions regarding this submission to:

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³ MTAS Discussion Paper 2018, p. 17.

