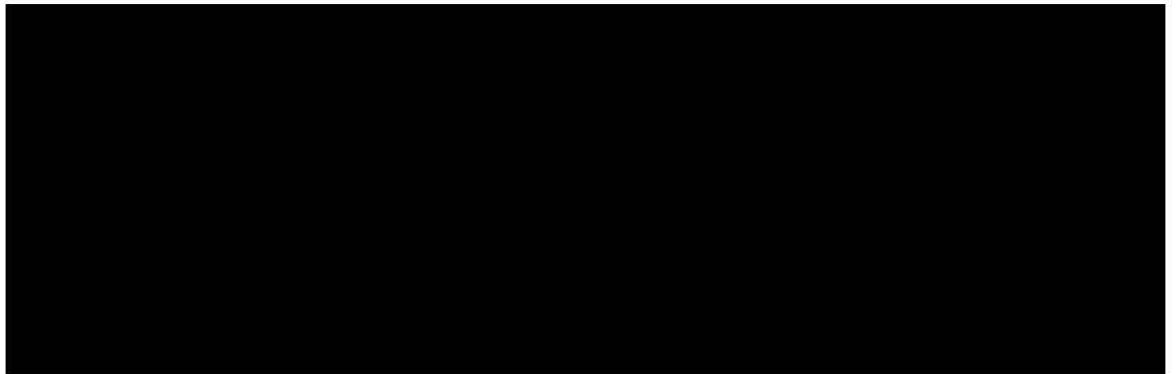


Confidential Restriction on Publication Claimed in Part

Application to the Australian Competition and Consumer Commission for Merger Authorisation

Applicants' response to interested party
submissions (Tranche 1)

6 July 2022



PUBLIC VERSION

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1 Executive summary

The Applicants refer to the interested submissions published by the ACCC as at 26 June 2022 with respect to the application for merger authorisation from Telstra Corporation Limited (**Telstra**) and TPG Telecom Limited (**TPG**) (**Application**) of the Multi-Operator Core Network (**MOCN**) arrangements (**proposed transaction**)¹. The Applicants have provided this response to those interested parties (**Tranche 1**²) and will later provide a separate submission in response to the remaining submissions (including Optus). Unless otherwise specified, defined terms used have the same meaning as set out in the Application.

1.1 Submissions supporting the Application

The Applicants welcome and acknowledge the overwhelming support for the proposed Telstra-TPG MOCN from interested parties, many of whom have lived experience of the challenges of providing mobile services in regional and rural areas.

These submissions evidence the real, appreciable, and immediate incremental benefits arising from the proposed transaction for consumers across Australia from improved mobile coverage and capacity in regional and rural areas.

The following comment from Coonamble Shire Council sums up the views of the submissions from regional and rural Australia:

“...with Telstra already having existing infrastructure which could use the TPG spectrum for existing and future customers – combining the two would seem like a common sense decision, so that both parties can utilise and share their existing assets, thus improving the quality of TPG’s network.”³

1.2 Key contentions of those opposing the Application

The key contentions and theories of harm made in the Tranche 1 submissions opposing the Application are:

- That Telstra is ‘acquiring’ the spectrum of TPG in regional areas, and on that basis, the proposed transaction enhances Telstra’s alleged ‘dominance’ by increasing the concentration of spectrum holdings by Telstra beyond the spectrum caps for the relevant spectrum bands. It is claimed that this will improve Telstra’s services to a degree that cannot be replicated by Optus at a wholesale or retail level – eventually leading to an exit or reduction in investment by Optus.⁴
- That the proposed transaction enhances Telstra’s alleged ‘dominance’ by removing TPG as an actual or potential competitor for wholesale mobile services – the claimed effect of which is to increase the bargaining power of MNOs including Telstra and Optus against MVNOs.⁵
- That the deal represents a roll back of facilities-based competition with TPG decommissioning its current sites within the 17% Regional Coverage Zone and exchanging its spectrum to become in effect an MVNO on the Telstra network; and

¹ Defined terms used in this Response have the same meaning as those defined terms are given in the Application.

² The interested parties’ submissions covered by this response are set out in Annexure 1.

³ [Submission by Coonamble Shire Council](#), p 2.

⁴ [Submission by Suntel Communications Pty Ltd](#), p 1; [submission by Pivotel](#), p 8; [submission by Australia Tower Network](#), p 6.

⁵ [Submission by Commpete](#), p 3.

- That alternative network sharing models such as neutral host models will produce superior results as compared to the proposed transaction.

1.3 The Applicants' response to factual errors and mischaracterisation of the proposed transaction

The above key contentions and theories of harm of interested parties opposing the Application are predicated on a number of incorrect factual mischaracterisations of the proposed transaction, which are addressed below:

- **The proposed transaction improves TPG's access to infrastructure and hence coverage in a discrete 17% Regional Coverage Zone, thereby improving choice for consumers and MVNOs who value such coverage.**

The submissions do not explain how an improved ability by TPG to compete can be said to lessen or remove retail or wholesale competition. The submissions from: (i) regional and rural customers and national; and (ii) metropolitan-based businesses with operations in regional and rural Australia, recognise that *"consumers and businesses will, in effect, go from a choice of two 4G/5G networks to a choice of three networks"*⁶.

Consumers across Australia will benefit from an increase in choice of service provider in the 17% Regional Coverage Zone. TPG's retail customers will benefit from the additional coverage immediately on completion of the proposed transaction and will also benefit from the faster access to 5G services in the 17% Regional Coverage Zone than would otherwise be achievable in the counterfactual. TPG will also make available the additional coverage obtained under the proposed transaction to its current MVNO customers on the same terms as the other coverage in TPG's network.

- **The spectrum pooled under the proposed transaction is not "acquired" by Telstra – Telstra and TPG are sharing the pooled spectrum for the benefit of their customers, which will increase the efficient use of TPG's current holdings.**

The efficiencies of this pooling arrangement are immediately apparent and pro-competitive:

- to the extent that the evidence provided with the Application indicates that the spectrum held by TPG in these areas would be unlikely to otherwise be used by TPG, given its limited infrastructure in regional areas, the more intensive use of this spectrum by both Telstra and TPG improves the efficient use of spectrum resources; and
- the proposed transaction provides TPG with the spectrum and RAN access required to actively compete with Telstra and Optus in the 17% Regional Coverage Zone, which will increase the number of TPG subscribers in those areas – which means that more of TPG's customers will be using TPG's spectrum (to be pooled with Telstra's in the MOCN) than in the counterfactual where spectrum that is suited for use in regional areas is either unused or underutilised. There is also nothing in the Agreements in respect of competition between Telstra and TPG in mobile services which prevents TPG from using more of the pooled spectrum than Telstra, as TPG grows its market share which it expects to do as a result of the proposed transaction.

⁶ [Submission by TasICT](#), p 1.

- **The competition limits which apply to spectrum auctions are not intended as permanent constraints on commercial use or exploitation of spectrum after an auction.**

Spectrum limits operate *during an auction* to limit competition in order to provide advantaged access to spectrum to other bidders. For example, in the case of the low-band auctions held in December 2021, the auction limits (together with 'set aside' rights granted in favour of Optus and TPG) significantly reduced access by Telstra to the auctioned spectrum and provided Optus with a substantial competitive advantage – allowing it to acquire all of the 900MHz band, effective from 1 July 2024.

The Federal Government, on the recommendation of the Productivity Commission, has explicitly rejected proposals to extend the competition limits to the post-auction trading of spectrum (the "secondary market"). To the extent that any competition assessment of activity is required in the secondary market, this is addressed by treating spectrum trades and spectrum authorisation as an acquisition subject to the ACCC's merger review by virtue of section 68(1) of the *Radiocommunications Act 1992* (Cth).

The secondary market for spectrum is dynamic and there are a number of examples of transfers and trades between parties (and spectrum sub-licencing) through spectrum authorisation agreements similar to the proposed transaction.

- **Mischaracterising TPG as a Telstra "agent" or an "MVNO" wrongly disregards the level of control and independence TPG will have over services, product development and customers inherent in the architecture of a MOCN model and which is reinforced by the contractual commitments in the MOCN Agreement, including the broad non-discrimination requirements.**

In contrast to MVNO and roaming arrangements, TPG under the MOCN will retain control over products, services and customer data as such functionality resides in the TPG core network, which TPG will continue to own and operate. In the proposed transaction TPG also will continue to operate its own extensive metropolitan and outer metropolitan mobile network which, through its core network, it will integrate with the RAN shared with Telstra in a regional area covering only 17% of Australia's population. MVNOs do not have their own core or RAN networks.

In the fixed services environment, the ACCC has recognised that unbundled services which provide access seekers with a similar level of control and independence from the access provider, such as unconditioned local loop declared service, can be regarded as a 'quasi-facilities' service which is consistent with a facilities-based competition model. TPG is connecting its core to the radiocommunications equivalent of the 'last mile' supplied on a non-discriminatory basis by Telstra.

In decommissioning its limited existing network infrastructure in the 17% Regional Coverage Zone, TPG is far from 'stepping back' from facilities-based competition. Rather, TPG is 'stepping up' by acquiring a quasi-facilities based service providing network coverage right across the 17% Regional Coverage Zone.

1.4 The Applicants' response to alleged legal and economic theory of harm under section 50

As well as being based on an incorrect characterisation of the proposed transaction, the various alleged theories of harm (contained in the relatively small number of opposing submissions in Tranche 1) do not provide any cogent support or basis for a conclusion

that that the proposed transaction has the effect or is likely to have the effect of substantially lessening competition within the meaning of section 50 of the CCA:

- **The proposed transaction relates to a small population coverage area within the national retail and wholesale markets for mobile services.**

Consistent with previous ACCC findings, the relevant markets are national in scope. In circumstances where, as is the case currently, TPG will continue to operate its own metropolitan mobile network and will continue to operate its own core network including in the 17% Regional Coverage Zone, any suggestion that there is a removal of TPG as a competitor in the markets, or a reduction in competition in national mobile service markets, cannot be soundly accepted. To the contrary, the proposed transaction is likely to deliver more robust competition by TPG – at both retail and wholesale levels of the national market, as well as more specifically in regional and rural areas.

- **As set out in the Application, Optus has an existing extensive network across the 17% Regional Coverage Zone and significant spectrum holding for its own use (not shared).**

Optus's spectrum matches or exceeds the pooled spectrum of Telstra/TPG on a relative basis (e.g. when measured as MHz per subscriber), and Optus has sufficient 'headroom' to maintain service quality and speeds as data usage continues to grow and to win market share from Telstra and TPG.

- **Commercial motives of individual competitors are not evidence of substantial lessening of competition**

The opposing submissions in Tranche 1 are almost uniformly from competitors of the Applicants or their dealers or MVNOs.

Notwithstanding the fact that the Applicants consider that the proposed transaction will give rise to more competitive opportunities for many MVNOs, dealers and other small businesses (in particular through the choice of more MNOs offering coverage in the 17% Regional Coverage Zone), the fact that that a particular competitor may find it harder to compete following the proposed transaction is not sufficient to show (nor the standard for establishing) a substantial lessening of competition in any market.⁷ The ACCC should prefer the views of many of the parties providing supportive submissions, such as National Australia Bank, Coonamble Shire Council, Charles Sturt University and Canberra Business Chamber, that have no obvious commercial basis for doing so, other than a recognition of the importance of improved services and competition in regional areas – and the likely benefit this offers them as customers.

A number of submissions, like those from Pivotel, Commpete, Macquarie Telecom, and NBN Co, opportunistically also try to use the process to extract unrelated regulatory outcomes. These issues are not relevant to this authorisation process.

- **It is not sufficient that there might be other, less restrictive alternatives by which a commercial objective might be achieved – such as neutral hosting.⁸**

⁷ *Maitland Holdings Pty Ltd v NTZ Pty Ltd* [2004] FCA 710 at [166].

⁸ *ACCC v Australian Medical Assn Western Australia Branch Inc* (2003) 199 ALR 423 at [328].

The ACCC must consider counterfactuals that have a “*real commercial likelihood*”,⁹ and neutral hosting is not a commercially realistic counterfactual to achieve either Applicant’s objectives.

In the current circumstances, TPG’s objective to be able to offer mobile services with coverage across the 17% Regional Coverage Zone (so as to be able to more effectively compete with Telstra and Optus) would not be obtained through the use of neutral hosting solutions. It is highly unlikely that a single neutral host model would provide coverage across the 17% Regional Coverage Zone or around 1.5 million square kms. A ‘patchwork’ of smaller networks built by different providers (such as neutral hosts) would likely be less functionally, operationally and commercially attractive.

Neutral hosting may be considered more suitable in other circumstances, and is increasingly being considered in co-funding schemes where there is no existing mobile infrastructure.

1.5 Submissions identify significant public benefits from the proposed transaction

Many of the submissions, particularly those from organisations and users in regional and rural Australia, identify public benefits for their communities from the expanded choice and improved quality of service which the MOCN can deliver, summed up in the following comment from Regional Development Australia Peel:

“If approved the application will help to bridge the digital divide between urban and regional/rural Australia and improve the reliability of communications services so that our communities can more effectively remotely access health, education and banking services and job opportunities.”¹⁰

1.6 Conclusion

The Applicants submit that the interested party submissions provide strong endorsement of the likely competitive and wider public benefits of the proposed transaction.

To the extent that submissions provide criticism of the proposed transaction, this appears to be based on a mischaracterisation of the proposed transaction and appears directed at achieving unrelated regulatory concessions or by concerns that TPG will become a more effective competitor. Certainly, those submissions do not establish a robust or legally sound theory of harm which would provide any basis for the ACCC to refuse to authorise the proposed transaction.

In the remainder of this submission, the Applicants have provided a detailed response to each of the public submissions below, grouped as follows:

- individuals, businesses and organisations based in regional and rural Australia;
- individuals, businesses and organisations based in metropolitan areas who travel to or work in regional and rural Australia; and
- industry participants, including MVNOs, dealers, other competitors and industry associations.

⁹ *ACCC v Pacific National Pty Limited* [2020] FCAFC 77 at [243]-[246].

¹⁰ [Submission by Regional Development Australia Peel](#), p 1.

2 Regional and rural users

- 1 Most of the public submissions published by the ACCC as at 24 June 2022 (41 out of 80 submissions) are from organisations, businesses and users based in regional and rural Australia. Most of these submissions (32 out of 41 submissions)¹¹ saw significant positive benefits from the proposed Telstra-TPG MOCN for regional and rural users.
- 2 The Applicants submit that these submissions from regional and rural users should be given significant weight because:
 - (a) They represent the voice of people with lived experience of the challenges of connectivity in regional and rural Australia. The submissions come from a broad cross section of the community, from local businesses, local councils, farming organisations, educational institutions, regional development bodies and individuals. The organisations that supported the proposed transaction represent tens of thousands of ratepayers, farmers and other businesses living and working in regional and rural Australia. The ACCC can have confidence that they represent an authentic voice of regional and rural Australia.
 - (b) Local communities in regional and rural Australia have developed knowledge about the communications infrastructure in their community, the shortfalls in their current coverage and the connectivity needed for their future economic and social development. As the Australian Broadband Advisory Council's (**ABAC**) report on Digital Agriculture commented:

*"Country people are often highly aware of their local connectivity infrastructure... most people we met could tell us where their local mobile or NBN wireless towers are; how many kilometres from the tower their farm is; the hills between them and the tower; and if they fall short of the NBN wireless footprint, how far they are into the satellite footprint..."*¹²
 - (c) Both the ABAC report and 2021 report of the Regional Telecommunications Independent Review Committee¹³ identified the need for and value of taking the views of people living and working in regional and rural Australia into account in deciding 'communications policy for the bush'.
- 3 Submissions from regional and rural Australia identified two primary benefits from the proposed Telstra-TPG MOCN:
 - (a) Improved choice:

*"... this proposal will also increase the choice of providers for regional residential and commercial customers. Many regional and rural areas will go from have [sic], in effect, a choice of two 4G/5G networks to a choice of three networks, bringing them in greater alignment with customers in metropolitan areas."*¹⁴ - **Committee for Gippsland**

¹¹ Some submissions, while supporting the proposed Telstra-TPG MOCN, raised queries which are addressed below.

¹² Australian Broadband Advisory Council, Agri-Tech Expert Working Group (Report, June 2021), p 28: <https://www.infrastructure.gov.au/sites/default/files/documents/agri-tech-expert-working-group.pdf>.

¹³ 2021 Regional Telecommunications Review: A step change in demand (Report, 13 December 2021): <https://www.infrastructure.gov.au/sites/default/files/documents/2021-rtirc-report-a-step-change-in-demand.pdf>.

¹⁴ [Submission by Committee for Gippsland](#), p 2.

*“TPG will be able to build its own 4G and 5G products, offer its own pricing and support its own customers as if the network was owned by TPG. This will in effect increase choice in many regional and rural areas by providing a choice of three networks.”*¹⁵ - **Gippsland Regional Executive Forum**

*“The proposal assists to ‘balance’ infrastructure availability which will no doubt translate to greater consumer competitiveness. Approval would mean better consumer choice and provide greater options across the mobile voice and data sector.”*¹⁶ - **Andrew Lloyd**

- (b) Improved service quality, including addressing the increasing issue of congestion:

*“The food & fibre sector and indeed all regional businesses sectors depend on choice of provider and stable, reliable and quality telecommunications services to optimise outcomes. The Telstra – TPG spectrum transaction will improve the service quality and reliability, and is therefore strongly supported.”*¹⁷ - **Gippsland Regional Executive Forum**

*“It is noted that the proposal does not alter Optus’ ability to compete and enhances TPG’s ability to utilise unused spectrum, reducing congestion in Telstra’s network for customers and the proposed merger will enhance competition and customer choice.”*¹⁸ - **Coonamble Shire Council**

*“Infrastructure sharing such as the MOCN is smart, importantly puts industry first, addresses congestion and access challenges, and will contribute to digital security and access reliance confidence by our food and fibre value chain...”*¹⁹ - **Food & Fibre Gippsland**

*“The congestion and slow internet speeds faced by regional Telstra customers when its network is under strain can be addressed by the underutilised TPG spectrum, allowing Telstra to keep pace with the increasing demand for data services. Telstra has existing infrastructure to use the TPG spectrum to improve its coverage for its existing customers and new TPG customers.”*²⁰ - **TasICT**

- 4 Submissions from regional and rural Australia saw the proposed Telstra-TPG MOCN as promoting the following economic and social benefits:

- (a) Digital agriculture:

“Western Australian farmers are becoming increasingly reliant on telecommunications linked technology to run and operate their businesses. The mobile network is extensively used to transfer mass

¹⁵ [Submission by Gippsland Regional Executive Forum](#), p 2.

¹⁶ [Submission by Andrew Lloyd](#), p 1.

¹⁷ [Submission by Gippsland Regional Executive Forum](#), p 2.

¹⁸ [Submission by Coonamble Shire Council](#), p 2.

¹⁹ [Submission by Food & Fibre Gippsland](#), p 1.

²⁰ [Submission by TasICT](#), p 1.

amounts of data from the plethora of complex machinery on large scale properties.”²¹ - **WAFarmers**

“Agriculture is a key industry for Corangamite Shire, with our farmers continuing to innovate and adapt. Agtech is emerging, however, depends upon high quality and high-speed connectivity in paddocks and towns. Telstra have advised that the Telstra-TPG MOCN can deliver this in the coverage area. As well as providing IoT services for things such as connected water pumps, soil moisture probs and cattle monitors.”²² - **Corangamite Shire Council**

“Our Region is a nationally significant agricultural producer. Given the ongoing limitations on data access and telecommunications coverage, our Producers are inhibited from accessing and implementing new technology, particularly within the Agribusiness sphere. These barriers ultimately result in a stymying of economic development and social growth opportunities. The availability of improved download speeds, reliability and reduction in cost would increase application and uptake exponentially.”²³ - **Narrabri Shire Council**

(b) Economic development:

“C4EM’s vibrant member base comprised a significant number of manufacturing SMEs and large entities, who are keen to adopt advanced manufacturing capabilities and solutions. ... Our region is also a large tourist destination attracting significant numbers each year. Our region has been impacted with significant congestion of services, especially over our weekend periods.”²⁴ - **Committee for Echuca Moama**

“... mobile coverage within Bunbury Geographe / Pilbara region is still highly variable and data services inadequate in many situations. ... This places our businesses at a competitive disadvantage and often limits our Region’s ability to attract new investment through expansion or attraction of new industries.”²⁵ - **Bunbury Geographe Economic Alliance and Regional Development Australia Pilbara**

“The South West is a highly popular region with almost 178,500 residents and is the most visited regional area in Western Australia. Unfortunately like most regional areas, the South West does not have the same coverage or choice for mobile service providers as the Perth Metropolitan area. This has many negative implications across important sectors such as health, education, business and tourism. The SWDC recognises the importance in ensuring the connectivity standards of the region are strong and welcomes the Telstra-TPG MOCN proposal. We believe it is an effective utilisation of existing infrastructure which will improve connectivity and service quality for people and businesses in the South West.”²⁶ - **South West Development Commission**

²¹ [Submission by WAFarmers](#), p 1.

²² [Submission by Corangamite Shire Council](#), p 1.

²³ [Submission by Narrabri Shire Council](#), p 3.

²⁴ [Submission by Committee for Echuca Moama](#), p 1.

²⁵ [Submission by Bunbury Geographe Economic Alliance](#), p 1; [submission by Regional Development Australia Pilbara](#), p 1.

²⁶ [South West Development Commission](#), p 1.

(c) Health and welfare:

*“Mobile service coverage and connectivity are critical to the safety of Australia’s trucking industry. Road crashes can occur on any part of the road network and a crash at a location with no mobile service coverage effectively cuts off access to emergency services. Truck drivers can often be the first responder to the scene of a road crash. Lack of mobile coverage on transport routes can be life threatening, through preventing calls to emergency services and preventing truck drivers from accessing health and emergency guidance whilst awaiting the arrival of emergency services. Connectivity is also vital during an emergency, including bushfires and floods. It can provide access to emergency services, better inform road users of unfolding emergency conditions on relevant transport corridors and ultimately contribute to saving lives. [...] The ATA considers the proposed spectrum sharing would improve the quality of regional mobile connectivity as well as increasing competition and choice for regional mobile phone customers.”²⁷ - **Australian Trucking Association***

*“.. I want to talk about elderly aged customers as they require a reliable better network so that they can call anyone in an emergency. As with the help of this agreement every consumer will get the better reception and faster internet. Especially with regional and Rural Areas, which was always been the grey area for reception and coverage. Thus, I strongly support this network sharing agreement between the TPG and Telstra and see it benefitting all those involved.”²⁸ - **Jainish Pty Ltd***

*“More choice and coverage mean more opportunities and potential for users to access coverage during critical periods such as COVID lockdowns and other impediments such as bushfire and floods.”²⁹ - **Jonathan Hutchins***

*“The sharing of infrastructure in this area makes sensible use of scarce resources across an area that we recognise as being expensive to service. For many of us it opens up the potential for a better level of service for many operations seen as everyday in the more closely settled areas of the state. Better health outcomes, the opportunity for Internet banking, a higher level of emergency services and finally the ability to work remotely. These are all seen as everyday occurrences in more populated areas.”³⁰ – **Alliance of Western Councils***

(d) Education:

“The digital divide between urban and regional/rural Australia is part of the lived experience of many of Charles Sturt’s students and staff living in regional and rural areas. Regional, rural and remote users need reliable communications services so they can have access to remote education in these areas. [...] As one of Australia’s leading online University providers, Charles Sturt sees many benefits to the

²⁷ [Submission by Australian Trucking Association](#), pp 1-2.

²⁸ [Submission by Jainish Pty Ltd](#), p 1.

²⁹ [Submission by Jonathan Hutchins](#), p 1.

³⁰ [Submission by Alliance of Western Councils](#), p 1.

proposed Telstra Corporation Limited and TPG Telecom Limited spectrum sharing including:

- Greater coverage for regional and rural students wanting to study at university.
- Increased coverage for staff delivering educational training and research in regional and rural areas.
- Increased choice for staff and students living in regional and rural Australia, this extends also to more choice in new innovative products and services.³¹ - **Charles Sturt University**

(e) Post-Covid migration from urban to rural areas:

*“Like other regional locations, our estimated resident population previously forecast to decline has grown by 3 percent during the pandemic. Again, like other regional areas, Council regularly receives complaints regarding coverage and capacity issues from residents, visitors and businesses on telecommunications issues. [...] In supporting this multi-operator core network agreement... we believe as a stakeholder this will deliver the following outcomes: expanded carrier coverage across the Eurodobbolla region enabling greater choice of retail products for business and residents; increase network coverage out of major towns for visitors to the region; address capacity issues within the network during seasonal peaks; and provide consistency of data speeds.”³² - **Eurodobbolla Shire Council***

*“As a result of the pandemic, there has been a substantial migration of urban workforces to regional / rural areas as remote working has enabled them to make changes to where they live and work. Ability to stay connected at affordable prices due to competitive options in such markets will help maintain such an equitable distribution of workforce/ population and in turn can greatly benefit the economic development of regional Australia. An added bonus of better connectivity can also boost tourism which leads to further economic uplift.”³³ - **Tech Mahindra Business Services***

- 5 The Applicants note that these comments on post-COVID migration are confirmed by a recent report, the Regional Movers Index, analysing the quarterly and annual trends in movement between Australia’s regions and capital cities. According to the report, in the March 2022 quarter, the number of people moving from capital cities to regional Australia increased by 16.6% to reach a new five-year high, almost doubling pre-pandemic levels.³⁴
- 6 Several submissions from regional and rural Australia, while endorsing the proposed Telstra-TPG MOCN because of the benefits of improved choice and coverage for regional and rural communities, raised questions or concerns. These issues and the Applicants’ responses are set out in the tables below (noting not all

³¹ [Submission by Charles Sturt University](#), p 1.

³² [Submission by Eurobodalla Shire Council](#), p 1.

³³ [Submission by Tech Mahindra Business Services](#), p 1.

³⁴ Commonwealth Bank and the Regional Australia Institute, Regional Movers Index (March 2022 Quarter Report), p 3: <https://www.regionalaustralia.org.au/common/Uploaded%20files/Files/Regional%20Movers%20Index/Regional-Movers-Index-March-2022-Report.pdf>.

are relevant to the test for authorisation under the CCA, the Applicants nonetheless provide a response to assist the ACCC):

Table 1: Applicants' response to issues raised by the NSW Farmers Federation

No	Issue raised	Applicants' response
1.	<p><i>"NSW Farmers noted that the proposed Multi-Operator Core Network...agreement may not universally positively impact mobile users (voice and data) in the outer or rural region, leaving Telstra as the only provider covering 0.7 per cent of mobile customers. Unfortunately, this is where the majority of primary producers are located. We do note however, that access to this additional spectrum has the potential to deliver improved access to customers on the outer boundaries of The Regional Coverage Zone, subject to any line-of-sight constraints that may currently be experienced."</i>³⁵</p>	<ul style="list-style-type: none"> The proposed transaction will bring about greater choice and improved service quality for customers in the 17% Regional Coverage Zone. This is a significant improvement to competition. In relation to the smaller number of customers in the 98.8% to 99.5% population coverage zone (in which Telstra is currently the only mobile network provider) the Spectrum Authorisation permits Telstra to use the pooled spectrum to offer improved coverage and service quality to the outer region (i.e., the 0.7% of the population) identified by the NSW Farmers Federation as the area in which the majority of primary producers are located. This is a significant public benefit.
2.	<p><i>"...NSW Farmers seeks clarification that the proposed network sharing agreement between Telstra and TPG will not reduce infrastructure-based competition."</i>³⁶</p> <p><i>"If the current or future level of demand in the Regional Coverage Zone is deemed insufficient for greater infrastructure investment, then the increase in service-based competition may outweigh the impacts of limiting infrastructure-based competition."</i>³⁷</p>	<ul style="list-style-type: none"> The choice and competition which the proposed Telstra-TPG MOCN will deliver is akin to facilities-based competition rather than competition through resale arrangements. By reason of the inherent technology architecture of a MOCN and the contractual commitments of non-discrimination in the Agreements, the proposed transaction provides scope for product differentiation and innovation by each of Telstra and TPG that is much more extensive than services-based competition such as provided by MVNO and roaming arrangements (which TPG currently acquires from Optus, and which has provided a far inferior outcome than what will be available to it under the proposed transaction). This is because TPG's core network will operate across the MOCN, allowing TPG to supply its services, manage customers and build differentiated products independently

³⁵ [Submission by NSW Farmers Association](#), p 1.

³⁶ [Submission by NSW Farmers Association](#), p 2.

³⁷ [Submission by NSW Farmers Association](#), p 3.

No	Issue raised	Applicants' response
		<p>from its core (in respect of all customers whether they are receiving TPG's services from the MOCN sites or from the other sites in TPG's network). The MOCN Service is more analogous to the unbundled 'last mile' component in the fixed network, such as local loop unbundling, access to which the ACCC has long regarded as 'quasi-infrastructure' access and akin to a commitment to facilities-based competition.</p> <ul style="list-style-type: none"> In any 'trade-off' between different models of competition, an assessment needs to be made of whether the alternative model is realistic. It is not realistic that, without the proposed transaction, TPG would invest to any material extent in deploying new mobile sites in the 17% Regional Coverage Zone. The more realistic counterfactual for TPG for the next 3 to 5 years involves roaming which, because of its technical and operational limitations, will deliver less product differentiation and innovation in the 17% Regional Coverage Zone.
3.	<p><i>"If the proposed MOCN does not result in an increase in regional users, there is a real potential that TPG will have less incentive to invest in infrastructure to grow its market share from its current low level, and Telstra may also have less incentive to invest in infrastructure to defend its market share."</i>³⁸</p>	<p>From TPG's perspective:</p> <ul style="list-style-type: none"> the proposed transaction will provide it with the network platform, to effectively compete right across the 17% Regional Coverage Zone; and by providing TPG with more extensive coverage, the Telstra-TPG MOCN will allow TPG to offer its own products seamlessly across metropolitan areas and the 17% Regional Coverage Zone. TPG will be incentivised to develop services and price constructs to compete for metro customers who value regional and rural coverage – it expects to win regional and metropolitan customers that value such coverage from both Optus and Telstra as a result of the proposed transaction. <p>From Telstra's perspective while pooling of spectrum allows Telstra to be more capital</p>

³⁸ [Submission by NSW Farmers Association](#), p 1.

No	Issue raised	Applicants' response
		efficient in its network investment, Telstra will continue to have the incentive to invest in infrastructure in regional and rural areas to be competitive with the Optus network, to serve and grow its existing customer base to improve its return by investing in new products and services.

Table 2: Applicants' response to issues raised by the National Farmers' Federation

No	Issue raised	Applicants' response
1.	<i>"Specific spectrum access arrangements, including non-discrimination clauses on various bandwidths, should be reviewed to understand the impacts on service reliability... [including] 6-month delay on accessing 5G services compared to Telstra products. For the agricultural community, many current and expected agri-tech opportunities will be enabled by 5G access, and many consumers will form purchasing decisions with this consideration in mind.... at a minimum, consumers should be made aware of where such arrangements may impact their user experience, so as to allow their purchasing decisions to be accurately informed."</i> ³⁹	<p>On commencement of the proposed Telstra-TPG MOCN:</p> <ul style="list-style-type: none"> • TPG will have immediate access to 5G coverage in those areas where it has been in place at least 6 months. • TPG will have immediate access to 4G right across the 17% Regional Coverage Zone. 4G, with its higher data speeds than TPG's current 3G offering (on Optus roaming), will support all current use cases of TPG customers, including for digital agriculture, and provides a transition pathway to 5G apps, which are in an early stage of development. <p>For these reasons, TPG does not see the 6-month 5G lead-in as a significant inhibitor to TPG winning market share. In addition, TPG will be able to offer 5G services in the 17% Regional Coverage Zone much faster as a result of the proposed transaction than would otherwise be possible. In turn, as a result of the proposed transaction, customers will have a choice of at least two 5G providers (rather than one) in the 17% Regional Coverage Zone much sooner than would be possible in the counterfactual and as Optus' 5G coverage expands, a choice of three 5G MNOs.</p>
2.	<i>"...use of underutilised spectrum may present one of the more immediate mechanisms to seek to mitigate congestion issues, having impact quicker than network and infrastructure upgrades or other technological solutions. However, such a determination of the benefits of the</i>	The Spectrum Authorisation does not involve "an increased concentration of available spectrum by any one market network operator" for the following reasons:

³⁹ [Submission by National Farmers' Federation](#), p 3.

No	Issue raised	Applicants' response
	<i>reallocation of spectrum should ensure these are not outweighed by any negative impacts arising from an increased concentration of available spectrum by any one market network operator. This should include consideration of specific bandwidths included in the acquired spectrum and their use in regional telecommunications and business applications both now and into the future.</i> ⁴⁰	<ul style="list-style-type: none"> Telstra must use the TPG spectrum in the 17% Regional Coverage Zone for the MOCN Service; the pooled spectrum is available on a non-discriminatory basis to each Applicant for the supply of mobile services in the 17% Regional Coverage Zone: i.e. TPG could end up using more spectrum than it contributes – and could use more of the pooled spectrum than Telstra uses;⁴¹ and on expiry or early termination of the MOCN Agreement, TPG can unilaterally terminate the Spectrum Authorisation and 'pull back' its spectrum.
3.	<i>"While understanding that unique challenges exist in expanding coverage to the final 0.5% of the population, within the Shared Coverage Zone for which this deal relates, localised coverage gaps exist in no small part and present genuine connectivity challenges. In making its Assessment, the ACCC should ensure the resulting market landscape, both now and overtime, does not see a reduction in the incentives for network operators to deliver more reliable coverage as a means of competing for regional customers."</i> ⁴²	<ul style="list-style-type: none"> The up to 169 TPG sites that Telstra will take over are being selected by Telstra on the basis they will improve coverage and/or network capacity within the 17% Regional Coverage Zone. Telstra will continue to have incentives in competing against Optus to improve coverage across and beyond the 17% Regional Coverage Zone, including to fill gaps. Co-funding programs from Federal and State/Territory Governments are likely to continue to be available to Telstra, Optus and TPG in order to address 'blackspots'.

Table 3: Applicants' response to issues raised by the Regional Development Australia Goldfields Esperance (RDAGE)

No	Issue raised	Applicants' response
1.	<i>"The benefits asserted by Telstra to the agricultural community has not been quantified, so [RDAGE] would be wary to agree that there will definitely be benefits (especially to the agriculture community)"</i>	<p>The proposed Telstra-TPG MOCN will enhance uptake of digital technology in the agricultural sector for the following reasons:</p> <ul style="list-style-type: none"> TPG will have access to the Telstra NBloT network and will be able to offer

⁴⁰ [Submission by National Farmers' Federation](#), p 3.

⁴¹ As set out in the Application, there are capacity limits on use of spectrum for fixed wireless services, which reflects that these services more intensively use spectrum. These limits apply equally between Telstra and TPG.

⁴² [Submission by National Farmers' Federation](#), p 4.

No	Issue raised	Applicants' response
	<p><i>resulting from the proposed transaction as he doesn't know enough.</i>⁴³</p>	<p>IoT services in new geographic areas in competition with Telstra and Optus;</p> <ul style="list-style-type: none"> • the MOCN Agreement includes specific pricing for IoT services which will promote their use by TPG. • the improved capacity from the pooled spectrum will better support more data intensive and video-based agtech applications, such as remote-controlled farm machinery; • Telstra is investing in IoT apps and services, including digital agriculture;⁴⁴ • TPG is able to call on the global expertise of Vodafone, which is a leader in IoT, including in agricultural applications;⁴⁵ and • the ability of TPG to offer services and apps seamlessly between its metropolitan network and the MOCN will improve TPG's competitiveness in digitalising extended supply lines, such as moving agricultural produce from paddock to urban port facilities.
2.	<p><i>"It seems to [RDAGE] that it's a bit of a patchwork solution, rather than a significant enhancement of new infrastructure."</i>⁴⁶</p>	<p>While the Applicants do not position the proposed Telstra-TPG MOCN as a 'cure-all' for the challenges of coverage in regional and rural Australia, they consider that it is much more than a 'patchwork' solution:</p> <ul style="list-style-type: none"> • the proposed Telstra-TPG MOCN provides enhanced coverage and choice across around 1.5 million square kms,

⁴³ [Submission by Regional Development Australia Goldfields Esperance](#), p 2.

⁴⁴ Telstra, Telstra response to the Regional Telecommunications Review 2021 Issues Paper, pp 33-34: <https://www.infrastructure.gov.au/sites/default/files/documents/rtr2021-submission-no-613-telstra-public.pdf>; Telstra, Telstra Annual Report 2019, p 12: <https://www.telstra.com.au/content/dam/tcom/about-us/investors/pdf%20F/2019-Annual-Report.PDF>; Telstra, Telstra LPWAN network whitepaper (June 2020), pp 3, 23: <https://www.telstra.com.au/content/dam/shared-component-assets/tecom/campaigns/lp-wan/Telstra%20LPWAN%20Whitepaper.pdf>; Telstra Exchange, 'Finding the answers to the country's biggest farming challenges' (20 February 2020): <https://exchange.telstra.com.au/finding-the-answers-to-the-countrys-biggest-farming-challenges/>.

⁴⁵ Vodafone, Vodafone Annual Report 2021, pp 18-19, 32: <https://investors.vodafone.com/sites/vodafone-ir/files/2021-05/vodafone-annual-report-2021.pdf>; Vodafone, 'Vodafone named as a Leader by Gartner in the 2022 Magic Quadrant for Managed IoT Connectivity Services, Worldwide': <https://www.vodafone.com/business/news-and-insights/analyst-views/vodafone-named-a-leader-in-2022-gartner-magic-quadrant-for-managed-iot-connectivity-services>; Vodafone, 'MyFarmWeb: a cloud-based IoT solution for farmers': <https://www.vodafone.com/news/digital-society/myfarmweb-cloud-based-iot-solution-farmers>; Vodafone, 'The Internet of Things': <https://www.vodafone.com.au/business/internet-of-things>.

⁴⁶ [Submission by Regional Development Australia Goldfields Esperance](#), p 2.

No	Issue raised	Applicants' response
		<p>and much of this coverage is contiguous; and</p> <ul style="list-style-type: none"> • Telstra's access to the TPG spectrum will provide improved coverage across an additional 1 million square kms.

3 National or metropolitan customers with regional and rural coverage requirements

7 A number of interested parties that are based in metropolitan areas or operate nationally supported the Telstra TPG MOCN because of the enhanced rural and regional coverage it would provide:

- (a) improved coverage for metropolitan-based staff travelling to regional and rural areas on business and along connecting transport corridors:

*"For NAB, the MOCN deal presents opportunities to broaden mobile consumption by regional staff as well as staff travelling to regional Australia by introducing more affordable options."*⁴⁷ – **National Australia Bank**

*"Our membership includes over 600 businesses based in the ACT, and many in the adjoining NSW border communities of Queanbeyan, Yass, Braidwood, and surrounds. Many business operators based in towns across the region use Canberra as a trading hub, and many Canberra based business operators spend some of their time and operate their business from second/holiday homes in the broader capital region. The longer-term economic prosperity of the region requires infrastructure that allows businesses to trade and to expand across the capital region, and that supports commercial cooperation and joint activity. With regards to the proposed MOCN arrangement, we believe that there are benefits for residents & businesses in the ACT & broader capital region."*⁴⁸ – **Canberra Business Chamber**

- (b) improved choice of provider, including to ensure better redundancy in operations:

*"The diversity in supply outcome creates a situation where additional backup capabilities can be made available where this opportunity can't be achieved today. Adding communication backup channels assists NAB in strengthening resiliency, therefore 'uptime' for NAB customers."*⁴⁹ – **National Australia Bank**

- (c) greater efficiencies in enterprise customer's own businesses:

"The business I directly manage, is providing end to end customer support services to an Australian Teleco since 2003. ... Coverage is one of the top 2

⁴⁷ [Submission by National Australia Bank](#), p 2.

⁴⁸ [Submission by Canberra Business Chamber](#), p 1.

⁴⁹ [Submission by National Australia Bank](#), p 2.

reasons for contacting a customer support team. Issues such as call drops and poor data speeds are caused due to network congestion or unreliable network coverage.”⁵⁰ – **Tech Mahindra Business Services**

“Many customers that are based regionally or can be metro based but travel often to regional areas simply don’t have that choice of providers. This is due to the fact that TPG / Vodafone cannot provide suitable coverage in critical locations these businesses need to operate in...factors which I see as being beneficial for this to proceed are:

- Improving the current Vodafone/TPG network will also increase safety of it’s [sic] customers when they do travel to areas that are not currently supported by the Vodafone network at all
- Customers not having to split their fleet of mobiles across 2 service providers. This is inefficient and not cost effective.”⁵¹ – **Logicall Communications Pty Ltd**

(d) enhanced opportunity for innovation in enterprise customer’s own business:

“The potential for influence on customer service as a differentiator between suppliers increases with the implementation of the MOCN. Managing tens of thousands of services from day-to-day operational fulfilment and support through to billing is a challenging task that requires close interaction between NAB and the suppliers.”⁵² – **National Australia Bank**

4 Industry participants

4.1 MVNOs

8 Submissions from TPG’s wholesale partners demonstrate that the proposed Telstra-TPG MOCN will increase choice for consumers and intensify competition between service providers (including between MVNOs and MNOs). By way of example⁵³:

“Kogan Mobile currently has hundreds of thousands of subscribers who are concentrated within TPG’s core coverage areas (i.e. predominantly CBD and outer suburban locations). To date, Kogan Mobile has unfortunately been unable to effectively compete to win customers in regional and remote areas.”⁵⁴ – **Kogan Mobile Operations Pty Ltd (Kogan)**

“In a recent meeting with a major 2 billion dollar+ retailer whose business is based throughout South Australia and Victoria, my proposal was virtually knocked out because 80 of their 400 retail stores have Telstra and / or Optus only coverage, so they sell will not sell any Vodafone products... The network sharing agreement will allow my customers and other Vodafone

⁵⁰ [Submission by Tech Mahindra Business Services](#), p 1.

⁵¹ [Submission by Logicall Communications Pty Ltd](#), p 1.

⁵² [Submission by National Australia Bank](#), p 1, 2.

⁵³ Kogan sells and distributes TPG mobile services under the ‘Kogan Mobile’ brand and IMZI is a Mobile Virtual Enabler (MVNE) of TPG which itself contracts with MVNOs and resellers to sell TPG mobile services.

⁵⁴ [Submission by Kogan Mobile Operations Pty Ltd](#), p 1.

*MVNO's to compete head to head with Telstra and Optus...*⁵⁵ – **IMZI Pty Ltd (IMZI)**

- 9 Following the proposed transaction, TPG's MVNOs will benefit from the increased coverage available to them across the 17% Regional Coverage Zone. This will allow them to compete more effectively with the MNOs and other MVNOs that are able to offer services in these regional and rural areas.
- 10 Submissions opposing the proposed Telstra-TPG MOCN were received from MVNOs Symbio and Macquarie Telecom and from Commpete, an association of smaller service providers. Symbio and Macquarie Telecom make similar arguments to Commpete.
- 11 Commpete argues that the proposed Telstra-TPG MOCN is "*likely to reduce wholesale competition between MNOs to supply wholesale access to MVNOs*",⁵⁶ and that there is a high risk that both Telstra and TPG will seek to limit access to the RAN by MVNOs or only provide access at greater costs. Commpete advocates for a section 87B undertaking establishing an access regime for third parties.
- 12 The Commpete submission provides no cogent basis for identifying how the proposed transaction, which enhances TPG's ability to compete at a wholesale level to supply MVNOs with services in competition with Optus and Telstra (and which will enable its MVNOs to offer mobile services in the 17% Regional Coverage Zone and, hence, compete more effectively with MNOs and other MVNOs), results in a substantial lessening of competition. The wholesale market is competitive and will become more so as a result of the proposed transaction because, as other wholesale market participants such as Kogan and IMZI note, there now will be three MNOs offering competitive nationwide coverage. TPG expects it will be able to offer innovative MVNO services and compete for and win MVNOs' business, which would not have been possible without the coverage in the 17% Regional Coverage Zone.
- 13 The Applicants also reject there is anything anti-competitive in Telstra offering the MOCN Service to TPG but not to Telstra MVNOs. While Commpete argues that "*whatever Telstra can do for TPG, it can do for any other service providers hosted on its network, including MVNOs*",⁵⁷ TPG is in a very different position to MVNOs:
 - (a) The proposed transaction involves the Applicants each contributing complementary assets into the MOCN – it is not an asymmetrical provision of services by only one of the parties. This is because TPG has spectrum to which Telstra seeks access to improve its coverage and to support the additional TPG traffic on the RAN – MVNOs have no spectrum to contribute;
 - (b) TPG does not require access to Telstra's network in the more densely populated metro areas because it has its own network – MVNOs resell a full national service; and
 - (c) TPG is an MNO with its own full mobile core network.
- 14 The Applicants' responses to the other arguments made by Commpete, Macquarie Telecom and Symbio are set out in Table 4 below:

⁵⁵ [Submission by IMZI Pty Ltd](#), p 1.

⁵⁶ [Submission by Commpete](#), p 3.

⁵⁷ [Submission by Commpete](#), p 9.

Table 4. Applicants' response to issues raised by Commpete, Macquarie Telecom and Symbio

No	Issue raised	Applicants' response
1.	<p><i>"...the Application is significantly different to the infrastructure sharing arrangements increasingly seen overseas and which are structured as joint ventures and give the parties joint ownership and control of the network assets (both passive and active elements)...In contrast, the Application makes it clear that Telstra will retain ownership and control of its RAN, leaving TPG with only 'a high degree of participation...in setting the technical and operational framework...through the development of agreed key documents'..."⁵⁸</i></p>	<p>A joint venture model would have required TPG to a make capital investment in acquiring an interest in the existing Telstra network – capital which TPG does not have.⁵⁹</p> <p>The MOCN provides TPG with long term access to a quasi-infrastructure access service which enables TPG to supply services, build and offer products and manage customers as if the network was its own for a mix of fixed and variable charges which are more affordable for TPG.</p>
2.	<p><i>"Commpete considers that it is likely that the spectrum may be best used in the 17% Regional Coverage Zone by someone other than Telstra or Optus to develop a competing mobile network if the Application is not authorised."⁶⁰</i></p>	<p>TPG considers that this is not a realistic counterfactual scenario for TPG:</p> <ul style="list-style-type: none"> • The existing Telstra RAN across the 17% Regional Coverage Zone covers around 1.5 million square kms. Telstra has around 3,700 sites in the 17% Regional Coverage Zone. The existing TPG RAN only covers around 650,000 sq km with around 725 sites in the 17% Regional Coverage Zone. As explained in the Application, the counterfactual does not involve TPG expanding the currently small network it has in the 17% Regional Coverage Zone to match (or come close to matching) Telstra or Optus, as the costs of doing so are prohibitive, and the time taken to rollout sufficient sites (which are 5G ready) to be able to match or come close to matching Telstra or Optus on coverage would place it significantly behind the competition. • A third network built by another party other than TPG (including a neutral host) with coverage matching Telstra and Optus across the 17% Regional Coverage Zone is not a realistic counterfactual and should be disregarded for the purposes of the ACCC's analysis. To the extent that there were third parties who might be interested in exploring using TPG spectrum to build an alternative

⁵⁸ [Submission by Commpete](#), p 2.

⁵⁹ The Applicants will address in their response to the Optus submission the review of overseas MOCN in the Analysys Mason report annexed to the Optus submission.

⁶⁰ [Submission by Commpete](#), p 5. Similar points about neutral host or third party networks using the TPG spectrum are made in submissions by [Bai Communications](#), [Pivotel](#) and [ACCAN](#).

No	Issue raised	Applicants' response
		<p>and competitive network in the 17% Regional Coverage Zone (of which TPG is not aware), TPG would not get access to 4G and 5G services on this network for some time as the commercial arrangements would need to be negotiated and then the network would need to be designed and built. In the meantime, TPG would fall far behind Telstra and Optus in the competitive race for 5G customers, a position from which it is unlikely to recover if and when that alternative network became available.</p> <ul style="list-style-type: none"> In its own submission, Optus acknowledges that three mobile networks are not economically feasible in the 17% Regional Coverage Zone.⁶¹
3	<p><i>"...the Application will remove the sites held by TPG in the 17% Regional Coverage Zone and effectively amounts to a withdrawal by TPG from that geographic area in reliance on the MOCN. This reduces the prospect of investment by TPG in any substantial mobile network infrastructure in the 17% Regional Coverage Zone in the future either before or after the expiry of the MOCN. That is, the authorisation of the Application would amount to an authorisation to remove the third competing network (being that provided by TPG) in the 17% Regional Coverage Zone."⁶²</i></p>	<ul style="list-style-type: none"> TPG considers that, far from withdrawing from competition and investing in regional and rural Australia, it is stepping up investment. TPG is avoiding duplicated costs by 'swapping out' a small network which only provides patchy, limited coverage outside metropolitan areas, for a quasi-infrastructure service providing coverage across around 1.5 million square kms which enables TPG to supply services, build products and manage customers as if the underlying RAN was TPG's own. After the MOCN Agreement ends, TPG will have a larger customer base in metropolitan and regional Australia who use the regional network, and will have strong commercial incentives to find alternative methods to service those customers. TPG will also have back its spectrum, which will be available to use for alternative builds or to negotiate with alternative providers to Telstra. As explained in the Application, this may include rolling out sites, using neutral host or satellite services (the availability of which will be more widespread in 10 years' time) and/or entering into another network sharing arrangement.
4.	<p><i>"The experience of MVNOs negotiating with Telstra for access to wholesale mobile services as explained by the separate submissions from some of</i></p>	<ul style="list-style-type: none"> While Telstra does not agree with this characterisation of its approach to wholesale services, the best answer to these concerns

⁶¹ Submission by Optus, para 7.11.

⁶² [Submission by Commpete](#), p 6.

No	Issue raised	Applicants' response
	<p><i>Commpete's members suggests that Telstra will continue to restrict access to the enhanced services available under the MOCN to the detriment of MVNOs and competition in retail mobile markets. In particular, and as discussed above, Commpete considers that Telstra has favoured its own retail services as compared to its wholesale MVNO customers.</i>⁶³</p> <p>Macquarie Telecom describes Telstra as a 'reluctant wholesaler' which limits the geographic scope of its wholesale services and restricts access to higher level functionality that would allow MVNOs to innovate.⁶⁴</p>	<p>is a more competitive wholesale market, which the proposed transaction will achieve.</p> <ul style="list-style-type: none"> On completion of the proposed transaction, TPG's current MVNOs will be able to offer 4G mobile services across the 17% Regional Coverage Zone. This is a material improvement on what they are able to offer today and will dramatically increase their competitiveness against the MNOs and other MVNOs. There are no commercial, functional, operational or practical restrictions on the wholesale products which TPG chooses to offer on the MOCN compared to Telstra. TPG notes that [Confidential to TPG] [REDACTED], the approach which TPG adopts in relation to 5G services for MVNOs will not differ between MOCN and non-MOCN parts of its network.

4.2 Dealers

- 15 A number of submissions from TPG dealers in regional Australia describe the challenges they face in their businesses from TPG's limited coverage and say they anticipate being able to expand and grow their businesses and employ more staff with the proposed Telstra-TPG MOCN:

*"We have spent over 3 years investing in 2 regional stores located in Kalgoorlie in WA and Caloundra on the Sunshine Coast in QLD. Despite our best efforts in running these stores professionally and providing excellent service and advice to our customers, the Vodafone mobile network coverage surrounding these areas was not adequate to provide continuous mobile coverage to customers who travel extensively between regional towns and inevitably we forced to close these stores for commercial reasons."*⁶⁵ – **Air Voice Telecom**

*"What I envision as the Operations Manager - post the network sharing agreement, is the ability to have healthier competition within the suburbs and regional areas. **An increase of network will see an increase of traffic into the stores. This will allow for more employment opportunities to these areas, as well as more choice for consumers.**"*⁶⁶ [emphasis added] – **Mobile Icon**

⁶³ [Submission by Commpete](#), p 5.

⁶⁴ [Submission by Macquarie Telecom Group](#), p 2.

⁶⁵ [Submission by Air Voice Telecom](#), p 1.

⁶⁶ [Submission by Mobile Icon](#), p 1.

- 16 There are a couple of submissions from Optus regional dealers which express concerns that the proposed Telstra-TPG MOCN will reinforce Telstra’s position as the “dominant” provider in regional and rural Australia, will disadvantage Optus as the primary challenger to Telstra, and therefore will adversely impact their businesses.⁶⁷
- 17 While the Applicants will address why Optus can continue to be a vigorous competitor against each of Telstra and TPG on the MOCN in the separate response to the Optus submission, the Applicants provide the following responses to the submissions from Optus dealers:

Table 5: Applicants’ response to submissions from Optus dealers

No	Concern raised by Optus dealers	Applicants’ response
1.	<p><i>“Optus investment in regional Australia brought choice to a Telstra monopoly. Concern that the MOCN could unravel that choice.”</i>⁶⁸</p> <p>Business will be impacted if Optus withdraws from regional areas.⁶⁹</p> <p>It will not be commercially viable for Optus to maintain its significant planned investment in regional areas (KALDER Communications Group Pty Ltd).⁷⁰</p>	<p>Optus is unlikely to ‘withdraw from regional areas’ because:</p> <ul style="list-style-type: none"> • Optus has existing sunk investment in an extensive network across the 17% Regional Coverage Zone; • Optus’s spectrum holdings in the 17% Regional Coverage Zone have sufficient headroom to meet increasing data usage growth and win customers from Telstra and TPG on the MOCN; and • Optus has incentives to continue to compete using that network, including for metropolitan customers who value regional and rural coverage.
2.	<p>Telstra will be able to offer superior speeds.⁷¹</p> <p>As a result of the pooled spectrum, Telstra will have the ability to <i>“offer a level of service and data speeds that no other Mobile Network Operator could ever hope to compete with”</i> (KALDER Communications Group Pty Ltd).⁷²</p>	<p>In assessing whether the proposed Telstra-TPG MOCN has a spectrum advantage over Optus, it is misleading to look at the ‘raw’ amount of pooled spectrum. As set out in section 9.5 of the Application, when the relative spectrum holdings of Optus vs the MOCN are normalised for the number of subscribers which are to be supported by that spectrum, Optus actually has a small spectrum advantage over the proposed Telstra-TPG MOCN, which means that Optus should be in a position to offer speeds on its network which are competitive with the speeds which will be offered by TPG and Telstra on the MOCN, with ‘headroom’ for Optus to both maintain service quality as data usage continues</p>

⁶⁷ Similar concerns that the proposed Telstra-TPG MOCN will reinforce Telstra as the dominant provider in regional and rural Australia and have a correspondingly adverse impact on Optus are made in submissions from [Macquarie Telecom Group](#), [Pivotel](#), [ATN](#), [Commpete](#) and [ACCAN](#).

⁶⁸ [Submission by Network Communications Pty Ltd](#), p 2.

⁶⁹ [Submission by Suntel Communications Pty Ltd](#), p 1.

⁷⁰ [Submission by KALDER Communications Group Pty Ltd](#), p 1.

⁷¹ [Submission by Suntel Communications Pty Ltd](#), p 1.

⁷² [Submission by KALDER Communications Group Pty Ltd](#), p 2.

No	Concern raised by Optus dealers	Applicants' response
		to grow and to win market share from Telstra and TPG.
3.	<p><i>“Telstra’s current mobile network where we have distribution is significantly superior to the Optus network once we get outside of the regional towns and cities themselves but we remain competitive because we offer parity speed and coverage within those regional towns and cities and our customer service and value propositions balance out our appeal to the market.”⁷³</i></p>	<p>The Applicants do not see this ‘value proposition’ as changing as a result of the proposed transaction in a manner adverse to Optus and its dealers:</p> <ul style="list-style-type: none"> • in the regional towns where Suntel considers Optus has ‘parity speed and coverage’, it will have the spectrum and existing infrastructure to continue to offer parity; • outside regional towns, Optus will continue to have incentives and the spectrum to improve network coverage to match the Telstra-TPG MOCN; and • to the extent the Telstra network has a coverage advantage outside regional towns, Optus and its dealers are still in a position to “balance out our appeal to the market” given Optus’ regional town parity strategy.⁷⁴

4.3 Infrastructure providers

- 18 Submissions were received from two providers of alternative telecommunications infrastructure, BAI Communications Pty Limited (**BAI**) and Australian Tower Network Pty Ltd (**ATN**). Both supported the emergence of active infrastructure sharing, such as MOCNs, but expressed concerns about the impact it may have on competition for infrastructure services, including potentially excluding other providers.
- 19 ATN argues that the proposed transaction permits *“the dominant incumbent MNO to circumvent ACMA spectrum competition limits”*.⁷⁵ ATN misconceives, as a matter of both legal construction and well-established spectrum policy, the purpose and role of the competition (or spectrum allocation) limits.
- 20 A distinction has long been made between the rules governing spectrum auctions and those applying in the secondary market for trading and authorising use of spectrum post-auction, which is more lightly regulated. The ACMA is able to impose limits on the aggregate amount of spectrum that may be used by any party as a result of a specific allocation (allocation limits or competition limits).

⁷³ [Submission by Suntel Communications Pty Ltd](#), p 1.

⁷⁴ [Submission by Suntel Communications Pty Ltd](#), p 1.

⁷⁵ [Submission by Australian Tower Network](#), p 1. The same argument is also made in the: [submission by Mavaya](#), p 1; [submission by NBN Co](#), p 3; [submission by Macquarie Telecom Group](#), p 2; [submission by Pivotel](#), p 8; [submission by Commpete](#), pp 3, 7; [submission by Symbio Holdings](#), p 1; and an [anonymous submission](#), p 2.

- 21 The purpose of the competition limits has always been to ensure that all operators have an opportunity to acquire sufficient spectrum at the auction stage. Put another way, allocation limits will prevent any operator excluding its rivals from being able to acquire sufficient spectrum through the auction process, thus preventing any operator from “monopolising” or “hoarding” spectrum through its bidding or acquisition of spectrum in an auction. This is confirmed in explanatory statements accompanying recent allocation limit directions. For example, the Regulation Impact Statement relating to the allocation limits for the 26GHz spectrum auction emphasises that the intent of these limits is to prevent exclusionary conduct at the auction stage:⁷⁶

*“Government action is needed **to restrict the ability of auction participants** to attempt to monopolise spectrum holdings and deny competitors from securing spectrum licences in the 26 GHz band. Without any restrictions on this ability, competition in Australia’s retail mobile services, fixed broadband services, and private wireless enterprise markets could suffer, negatively affecting consumers and failing to maximise overall public benefits of the spectrum.” [emphasis added]*

- 22 Allocation or competition limits were never intended to apply to post-auction trading of spectrum. In its 2002 review of the *Radiocommunications Act 1992* (Cth), the Productivity Commission firmly rejected a proposal from the ACCC to extend competition limits to the secondary market, noting:⁷⁷

“The Radiocommunications Act allows for the imposition of competition limits on the primary assignment of spectrum and apparatus licences. The ACCC argued that there may be merit in extending competition limits to secondary trading to pursue pro-competitive outcomes. However, it gave no detail on how this might work in practice nor why it was necessary given s. 50 of the TPA. The suggestion appears to target situations where parties may try to circumvent competition limits set at the time of primary assignment by subsequently purchasing licences on the secondary market.

Extending competition limits to secondary markets could result in inappropriate regulation, especially when market conditions are changing rapidly. This possibility arises because the competition analysis underlying any limits imposed on the primary issue of licences may no longer be relevant if market conditions alter substantially. In such circumstances, the application of competition limits to secondary transactions could place unwarranted restrictions on nominated enterprises.”

- 23 The Productivity Commission actually recommended that fixed competition limits be done away with altogether and that the section 50 CCA jurisdiction apply to both the auction and post auction processes. However, the Government adopted a ‘half way’ position between the Productivity Commission’s position and the ACCC position and decided to retain the option of fixed competition limits in auctions but not to apply them in the secondary market. The joint media release from the Treasurer and Minister for Communications, Information Technology and the Arts noted:⁷⁸

⁷⁶ Department of Infrastructure, Transport, Regional Development and Communications, Regulation Impact Statement: Allocation Limits for 26 GHz Spectrum Auction, p 4: https://obpr.pmc.gov.au/sites/default/files/posts/2020/08/ris_-_26ghz_auction_allocation_limits_-_final_pass_version.pdf.

⁷⁷ Productivity Commission – Radiocommunications – Inquiry Report, July 2002, p 164.

⁷⁸ ‘Government Response to Radiocommunications Reports’, joint media release of the Treasurer, Mr Peter Costello, and the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, 5 December 2002.

“The Government has rejected only six recommendations, the most significant of which dealt with changes to competition rules. The Government has decided to retain existing pro-competitive legislative provisions enabling a Ministerial direction to be issued to limit the amount of spectrum any bidder can acquire in a spectrum auction. These provisions can also be used to encourage a new market entrant by limiting or excluding the participation of a dominant incumbent in such an auction.”

- 24 The decision not to apply competition caps to the secondary market for spectrum contrasts with the legislative amendments made in respect of the apparatus licences. ACMA in its submission to the Senate Standing Committee inquiry into the *Radiocommunications Legislation Amendment (Reform and Modernisation) Bill 2020 (Modernisation Bill)* noted that:

“[the Bill] enables consideration of enduring limits for administratively-issued apparatus licences, including the capacity to have regard to aggregate spectrum holdings when deciding whether or not to issue or renew an apparatus licence outside of section 106 of the Radiocommunications Act 1992 price-based allocation of apparatus licences processes. In the ACMA’s view, the amended allocation limits powers will enable competition or other public interest considerations to be addressed across all key allocation mechanisms. The advice of the ACCC will assist the ACMA to consider the circumstances in which such limits should be applied.”

These comments were made in the context of the Modernisation Bill retaining the approval of a section 50 CCA review of the secondary market, rather than the approach of competition caps in the auction process and apparatus licences.

- 25 ATN and BAI also express concerns about the impact which the proposed Telstra-TPG MOCN will have on their own ambitions to expand their infrastructure products to include active sharing. Section 50 of the CCA is concerned with the process of competition and not protection of certain competitors. Over the past 12 months, the industry has seen a trend away from vertical integration of tower companies. The choices that TPG makes in relation to tower access in regional areas are, therefore, occurring in a more competitive upstream market. Within this market, TPG’s decisions on which towers to access are based on sound commercial decisions, including whether TPG will be able to access the active RAN equipment on towers to enable it to use its currently unused or underutilised spectrum in regional areas. In any event, these concerns are, in the Applicants’ view, misplaced:

- (a) While the proposed Telstra-TPG MOCN may be the first case of active infrastructure sharing of any scale in Australia, it will not be the last. Rather than disincentivising similar arrangements in the future, the preparedness of such a large industry player as Telstra to move away from its historical model of a vertically integrated MNO is more likely to validate the commercial proof of the concept and hence ‘jump start’ active infrastructure sharing, more so than if active infrastructure sharing emerged through smaller, piecemeal deals.
- (b) Opportunities for other forms of active infrastructure sharing are already emerging, including through co-funded government programs such as the NSW Mobile Coverage Project which is mandating active sharing arrangements for successful bidders⁷⁹ and the upcoming round 6 of the

⁷⁹ NSW Government, Mobile Coverage Project: <https://www.nsw.gov.au/snowy-hydro-legacy-fund/regional-digital-connectivity-program/mobile-coverage-project>.

Federal Government's Mobile Black Spot Program in which active sharing proposals are expected to be given preference.⁸⁰ The newly elected ALP Government has committed to a major multi-carrier highways project which will favour multi-carrier coverage solutions including active RAN sharing.

- (c) The MOCN Agreement does not preclude Telstra or TPG pursuing other active or passive infrastructure arrangements with third parties. Shortly after announcement of the proposed Telstra-TPG MOCN, it was announced that TPG and Optus will be sharing sites under the Victorian Government's mobile coverage program.⁸¹
- (d) In relation to the infrastructure opportunities for third parties in relation to the proposed Telstra-TPG MOCN:
 - (i) the MOCN mainly uses existing Telstra infrastructure, and the ownership arrangements for that infrastructure will not change. Telstra will continue to make decisions about how to source new sites needed for the MOCN, including facilities sharing with third parties, in the same way as before the MOCN, including its relationship with Amplitel;
 - (ii) of the ~725 TPG RAN sites being decommissioned by TPG, the passive infrastructure (i.e. the tower or rooftop structure) is owned by TPG on around 115 sites. The passive infrastructure for the remaining ~610 sites is owned by tower companies such as ATN/Axicom, Amplitel, BAI, Stilmark and government entities. That passive infrastructure is currently available for any other party to access or use on the terms offered by the relevant site owner and the available space on those sites will increase once the site is vacated by TPG; and
 - (iii) as set out in the Application, in the counterfactual, TPG is unlikely to build any material additional network in regional and rural areas, and so third party infrastructure providers are not being deprived of significant opportunities with TPG.

26 ATN makes a number of other points to which the Applicants respond in the following table:

Table 6: Applicants' response to ATN submission

No	Issue raised by ATN	Applicants' response
1.	<i>"Although we appreciate the argument that previously unutilised and</i>	While the Applicants agree that a degree of spectrum under-utilisation from time to time is

⁸⁰ The RTIRC Report recommended: "Additional measures to support increased passive and active mobile network infrastructure sharing should be included in future rounds of the MBSP in order to promote expanded regional mobile coverage". See 2021 Regional Telecommunications Review: A step change in demand (Report, 13 December 2021), p 48: <https://www.infrastructure.gov.au/sites/default/files/documents/2021-rtirc-report-a-step-change-in-demand.pdf>. The Australian Government response to the RTIRC Report agreed with the recommendation that preference be given to Government funded mobile infrastructure providing shared network access, including a particular focus in the design of the Mobile Black Spot Program, stating: "Past programs have provided for a range of sharing options and programs continue to evolve in this regard." See Australian Government response to the 2021 Regional Telecommunications Independent Committee Report (Report, 30 March 2022), p 15: <https://www.infrastructure.gov.au/sites/default/files/documents/rtirc-australian-government-response-2022.pdf>.

⁸¹ Compare Broadband, 'Mobile Infrastructure in Some Victorian Builds to be Shared by Optus and TPG Telecom': <https://www.comparebroadband.com.au/broadband-articles/tpg-news-id16/mobile-infrastructure-in-some-victorian-builds-to-be-shared-by-optus-and-tpg-telecom-id2132/>.

No	Issue raised by ATN	Applicants' response
	<p><i>underutilised spectrum would serve the population better through the mechanism being suggested, we do not align with a view it would be appropriate for those spectrum holdings to be made available to the dominant market provider. The underutilisation of spectrum at a point in time is common and part of the design of spectrum allocation, including that in rural and regional Australia most spectrum is underutilised as the population density does not exist to utilise the spectrum. We feel it is an important point that spectrum is not monopolised, and that it is allocated to encourage competition.</i>⁸²</p>	<p>common in any network as the networks are rolled out and upgraded, this is factually distinct from the proposed transaction.</p> <p>The TPG spectrum is currently under-utilised or unused across most of the 17% Regional Coverage Zone and in the areas beyond. As set out in the counterfactual discussion in the Application, this is unlikely to materially expand its network in regional and rural areas, [Confidential to TPG] [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]. Under-utilisation of the spectrum, to the disadvantage of consumers, is likely to be the continuing state in the counterfactual.</p> <p>It is also wrong to characterise the spectrum pooling arrangement as consolidation of spectrum by a dominant provider because:</p> <ul style="list-style-type: none"> • both parties are contributing spectrum to a shared network; • Telstra must use the TPG spectrum for the MOCN in the 17% Regional Coverage Zone for the benefit of TPG and Telstra customers; • TPG has access to the full pool of spectrum (including Telstra's spectrum) in the 17% Regional Coverage Area under the MOCN Agreement; and • on expiry or early termination of the MOCN Agreement, TPG has the unilateral right to terminate the Spectrum Authorisation across the 17% Regional Coverage Zone and beyond that area.
2.	<p><i>"...the recent widespread MNO divestment of mobile network tower infrastructure has fundamentally changed the nature of mobile network deployment and the operating dynamic for the Australian telecommunications industry. [...] Telstra does not require</i></p>	<p>This submission is divorced from any facts or commercial reality. The Telstra-TPG MOCN represents the most immediate and most cost-effective solution to address the pressing and escalating issues of congestion which Telstra faces.</p> <p>ATN's implicit characterisation of a MOCN between MNOs as being inconsistent with or foreclosing a more competitive infrastructure</p>

⁸² [Submission by Australian Tower Network](#), p 4.

No	Issue raised by ATN	Applicants' response
	<p><i>access to the TPG spectrum in the 81% - 96% population coverage areas.</i>⁸³</p>	<p>market emerging with MNO tower fleet divestiture is misconceived:</p> <ul style="list-style-type: none"> • MNO tower divestiture (e.g. Amplitel and ATN) and active sharing arrangements are a part of the same broad trend away from the model of a vertically integrated MNO as MNOs seek more capital efficient ways of deploying new generations of mobile technology and improving customer service. The result is a wider range of passive and active sharing options and stronger competition between providers of those options. • Telstra anticipates over the term of the proposed transaction that it will be building further network in regional and rural areas. In expanding and densifying its network, Telstra will continue to look for opportunities, and will expect that its site providers look for opportunities, to more cost effectively deploy infrastructure, including facilities sharing. <p>In any event, this submission is inconsistent with the legal standard under s 50 of the CCA. The Court has found that it is not sufficient that there might be other, less restrictive alternatives by which a commercial objective be achieved, to establish a substantial lessening of competition.⁸⁴</p>
3.	<p><i>"From an infrastructure perspective, ATN is likely to be adversely impacted by this proposed merger activity. ATN loses at least one potential customer for its sites in the [17% Regional Coverage Zone] and any future utilisation by Telstra is likely to be delayed, due to the sharing of spectrum postponing the need for site densification."</i>⁸⁵</p>	<p>ATN's assessment that the proposed Telstra-TPG MOCN means it has lost a potential customer for infrastructure services is factually incorrect:</p> <ul style="list-style-type: none"> • If ATN means that TPG is the lost customer, TPG was not intending to expand its regional network to any material extent without the proposed transaction. Further, following the implementation of the proposed transaction, TPG is likely to increase its customer base and, therefore, more likely to deploy additional sites in the 0-81.4% coverage zone using third party tower infrastructure such as owned by

⁸³ [Submission by Australian Tower Network](#), p 2.

⁸⁴ *ACCC v Australian Medical Assn Western Australia Branch Inc* (2003) 199 ALR 423 at [328].

⁸⁵ [Submission by Australian Tower Network](#), p 6.

No	Issue raised by ATN	Applicants' response
		<p>ATN (which owns Axicom, a large supplier of sites to TPG in this area).</p> <ul style="list-style-type: none"> • If ATN means Telstra is the lost customer, the MOCN mainly uses existing Telstra and Amplitel infrastructure, and the ownership arrangements for that infrastructure will not change. Telstra will continue to make decisions about how to source new sites needed for the MOCN, including facilities sharing with third parties, in the same way as before the MOCN, including its relationship with Amplitel. • If ATN means Optus is the lost customer because Optus says it will withdraw from regional and rural areas if the proposed transaction proceeds, the Applicants (as they will more fully address in the response to the Optus submission) consider Optus' withdrawal is an unlikely prospect because Optus has existing sunk investment in the 17% Regional Coverage Zone (including on any ATN towers) and has incentives to continue to compete, including to compete for metropolitan customers which value regional and rural coverage.
4.	<p><i>"it is worthwhile considering whether the process of TPG relinquishing a significant portion of its current network footprint and revisiting the pathway of MOCN infrastructure with spectrum sharing may be a more damaging and difficult approach to reverse...Potentially an alternative would be to invest in strategically pursuing incremental regional network growth using [TPG's] spectrum and leveraging the new industry competitive dynamic available from multiple dedicated infrastructure providers such as Amplitel, ATN/Axicom and BAI to assist with expanding TPG's coverage upwards from 96% of Australia's population."⁸⁶</i></p>	<p>TPG disagrees that the proposed Telstra-TPG MOCN will be irreversible once TPG decommissions its sites and moves to the MOCN:</p> <ul style="list-style-type: none"> • TPG anticipates that over the initial 10-year period of the proposed transaction, it will be able to build a substantial customer base across the 17% Regional Coverage Zone and grow its market share across both metropolitan and regional areas. • TPG anticipates that over the initial 10-year term, alternative technologies will also emerge such that there will be a wider and more diverse range of alternative providers at the end of this term - the industry is already witness to

⁸⁶ [Submission by Australian Tower Network](#), p 7.

No	Issue raised by ATN	Applicants' response
		<p>the rapid progress of services such as LEOsats.</p> <p>On expiry of the proposed transaction, TPG will be able to pull back TPG spectrum to use for these alternative technologies or to negotiate other arrangements with providers.</p>

4.4 Industry associations

27 In its submission, the Australian Communications Consumer Action Network (ACCAN) points to evidence of the growing problem of congestion in regional and rural Australia and "ACCAN welcomes assurances from both Telstra and TPG that spectrum pooling would lead to improved network service quality, and alleviate current congestion."⁸⁷

28 ACCAN recognises that the proposed Telstra-TPG MOCN both retains competition driven by coverage while also providing increased consumer choice from TPG and its MVNOs:

"Under the MOCN agreement, Telstra will still lead on coverage so it is likely to retain this key differentiation in rural and remote areas and remain the provider of choice for regional based consumers who travel in less populated areas. However, within TPG's expanded footprint TPG services would become an attractive lower priced alternative, as the market would be open to mobile brands operated by TPG (Vodafone, TPG, Lebara, Kogan, and Felix), as well as some smaller MVNOs using the TPG network. This increased choice would be a very welcome development for those living in regional areas, and for those travelling from metropolitan areas to the regions."⁸⁸

29 ACCAN raises a number of issues which it asks the ACCC to further consider. Those issues and the Applicants' responses are set out in the table below:

Table 7: Applicants' response to issues raised by ACCAN

No	Issue raised by ACCAN	Applicants' response
1.	<p><i>"To date, the trade-off between price and coverage which TPG has catered for has been to the benefit of metropolitan consumers who do not value coverage."⁸⁹</i></p> <p><i>"TPG may want to maintain current mobile pricing levels to build growth in the regional market, as well as increase its share of the metropolitan market.</i></p>	<ul style="list-style-type: none"> As set out in the Application, post-transaction, TPG will be able to offer a superior service to customers that value regional coverage but will still need to strongly compete on value to win customers from Telstra and Optus, [Confidential to TPG] [REDACTED]

⁸⁷ [Submission by ACCAN](#), p 3.

⁸⁸ [Submission by ACCAN](#), p 3.

⁸⁹ [Submission by ACCAN](#), p 2.

No	Issue raised by ACCAN	Applicants' response
	<p><i>Alternatively, additional costs incurred by TPG under the proposed arrangements may need to be recouped by higher prices nationally, which would disadvantage its current metropolitan customer base at a time of high cost of living pressures putting a strain on household budgets. This would be an undesirable outcome.”⁹⁰</i></p>	<ul style="list-style-type: none"> • In addition, while TPG and its MVNOs have been low-cost providers in the market, TPG does not agree that the MOCN costs would require TPG and its MVNOs to be less price competitive. The current market experience is that Optus and Telstra MVNOs (which do carry the costs of a regional network) are very price competitive at the lower end of the market. This reflects the intensity of price competition, which the proposed Telstra-TPG MOCN will further promote. • Finally, and as set out in the Application, any increase in TPG’s cost per user associated with the proposed transaction is insignificant when compared to its other network and operating costs and considered against the increase in subscribers it expects to obtain as a result of the proposed transaction. Accordingly, TPG has not considered the need (and has no current intention) to increase its prices to recover any small increase in marginal cost as a result of the proposed transaction
2.	<p><i>“...the extent to which the decommissioning of mobile sites reduces redundancy during an emergency should be considered. ACCAN notes that this impact may be mitigated if the mobile sites flagged for decommissioning will retain Optus and Telstra active equipment.”⁹¹</i></p>	<ul style="list-style-type: none"> • Mobile coverage outages during natural disasters are principally caused by outages in the electricity network feeding an individual site and back-up generators running out of fuel.⁹² Retaining a TPG site is not going to assist with mains or back-up power to a separate Telstra site. • The up to 169 TPG sites which Telstra will absorb into the MOCN are being selected on the basis of whether the sites will improve the Telstra coverage and network capacity. These sites will strengthen the Telstra network – both reducing the need for traffic to ‘failover’ to another network and improving the

⁹⁰ [Submission by ACCAN](#), p 4.

⁹¹ [Submission by ACCAN](#), p 4.

⁹² The Australian Communications and Media Authority’s review into the impacts of the 2019-2020 bushfires on the telecommunications network found that, of 888 telecommunication outages observed between December 2019 and January 2020, 779 – or 88% – were caused by mains power outages: CMA.8001.0001.0023, quoted in the final report of the Royal Commission into National Natural Disaster Arrangements, para 9.16.

No	Issue raised by ACCAN	Applicants' response
		<p>Telstra's network capacity to provide redundancy to another network.</p> <ul style="list-style-type: none"> The remaining TPG sites which will be decommissioned are nearby to Telstra sites with substantially similar coverage to the TPG sites. The Telstra site will already be capable of providing redundancy to other networks. As the Telstra and TPG sites are nearby, the same natural disaster, such as a fire, is likely to take out both sites. Therefore, in either case, retaining the TPG sites does not add much to redundancy in natural disasters.
3.	<p><i>"A complexity is that exclusions from the non-discrimination provisions may dampen TPG's ability to compete with Telstra. For example, TPG will have not have access to 5G sites for the first six months after activation by Telstra, and will only be offering fixed wireless services over 5G on 3.6Ghz spectrum. We urge the ACCC to examine these exclusions to assess the competition implications, as we have a concern that Telstra's six months 'first mover advantage' may be difficult for TPG to compete with, given the barriers to switching faced by consumers. We also have concerns that the 5G delay could cause consumer confusion, as people may believe they are getting full access to the Telstra mobile network in buying a TPG service, when in fact TPG services may not work as well as Telstra's for the first 6 months."</i>⁹³</p>	<ul style="list-style-type: none"> TPG will have immediate access to 5G sites which have been active for at least 6 months prior to the MOCN commencing, which means TPG will have a 5G presence in the 17% Regional Coverage Area from which to ramp up. Even with the 6-month lead time on new 5G sites, TPG will be able to offer 5G services in a significantly shorter timeframe than under the counterfactual. As new services and networks are typically rolled out incrementally, TPG will have existing experience and processes to manage service launches with its customers. There will be a clear separate 'identity' in the market between Telstra and TPG 5G services. Unlike with roaming, TPG devices will display TPG network identifiers to the customer as if the device was connected to the TPG network. The MOCN Agreement prohibits TPG associating its 5G services with the Telstra 5G service or the Telstra 5G network – TPG has to market its 5G services on a standalone basis.
4.	<p><i>"In relation to fixed wireless, ACCAN's understanding is that TPG will not be offering 4G fixed wireless services in the areas covered by the MOCN. This is a disappointing outcome for households in</i></p>	<ul style="list-style-type: none"> TPG and Telstra can each offer FWA services using the proposed MOCN. Access to pooled spectrum for FWA services was a specific outcome which

⁹³ [Submission by ACCAN](#), p 3.

No	Issue raised by ACCAN	Applicants' response
	<p><i>these areas who could benefit from additional choices, such as Vodafone's bundled offer of 4G home internet with unlimited data for \$50 a month for mobile subscribers. ACCAN is concerned that these exclusions will work to dampen the improved competitive pressure expected from TPG increasing its coverage.</i>⁹⁴</p>	<p>TPG sought from the MOCN Agreement.</p> <ul style="list-style-type: none"> As FWA services consume substantially more capacity than mobile services, and therefore could 'crowd out' mobile services, the amount of spectrum available for FWA services has been capped. However, consistent with the non-discrimination principle which underpins the proposed Telstra-TPG MOCN, the FWA capped spectrum will be allocated equally between Telstra and TPG FWA services.
5	<p><i>"...to benefit fully from the MOCN, consumers will need improved coverage maps so that they can be properly informed about the services they are buying. ACCAN supports initiatives flagged by the ACCC to standardise the way mobile coverage is reported across mobile network operators, and additionally sees a need for on the ground testing to ensure the assumptions made about coverage using predictive algorithms are accurate."</i>⁹⁵</p>	<p>The ACCC is separately addressing the issue of MNO requirements in preparing and publishing coverage maps. TPG is permitted to incorporate the MOCN coverage area into its own coverage maps as if the MOCN was TPG's own network and has plans to do so.</p>

30 The Internet Association of Australia (IAA) supports 'open access' but expresses concern that the proposed Telstra-TPG MOCN could reinforce dominant providers, which is assumed to be a reference to Telstra.⁹⁶ The IAA goes onto to argue that for this reason there should be an open access requirement on publicly funded infrastructure.⁹⁷ The Applicants respond as follows:

- (a) access and sharing requirements are a matter for Governments in framing their co-funding programs, and not a matter for the ACCC's consideration of this Application; and
- (b) in any event, sharing and access requirements have been a requirement of the Federal MBSP. Federal, State and Territory Governments are expanding infrastructure sharing requirements, including forms of active sharing, in their co-funding programs.

⁹⁴ [Submission by ACCAN](#), p 3.

⁹⁵ [Submission by ACCAN](#), p 3.

⁹⁶ [Submission by IAA](#), p 1.

⁹⁷ [Submission by IAA](#), p 1.

4.5 Other industry participants

NBN Co

- 31 NBN Co does not oppose the authorisation of the proposed Telstra-TPG MOCN but takes the opportunity to propose changes to regulation which would benefit NBN Co.⁹⁸ NBN Co's proposals for regulatory changes are clearly beyond the scope of this authorisation proceeding, but the Applicants note that the argument of 5G and FWA substitutability for fixed broadband services on which NBN Co bases its proposals has been considered by the ACCC, most recently in the SBAS declaration inquiry where the ACCC said⁹⁹:

"... the ACCC maintains the view that broadband services offered over wireless alternatives (such as mobile, satellite and fixed wireless) are not comprehensive substitutes to a fixed line broadband connection at this time. The ACCC recognises that there are some ongoing developments in wireless technologies, such as the 5G rollout and deployment of LEO satellite systems, which have the potential to become a substitute for fixed line broadband services where these wireless services are offered and as more unlimited data plans become available. However, wireless technologies are unlikely to offer a universal substitute for fixed line broadband services across Australia within the 5-year declaration period for SBAS, such that the need to declare the SBAS is negated."

Pivotel

- 32 Pivotel opposes authorisation of the proposed Telstra-TPG MOCN, arguing that:

*"... the real issue in considering whether the acquisition would substantially lessen competition is not how authorisation would impact incentives on Telstra or TPG, but rather how it would affect the ability and incentive of the other national MNO (Optus) and smaller MNOs to compete with Telstra and TPG."*¹⁰⁰

- 33 Pivotel has misconceived the legal standard under s 50 of the CCA. The relevant question is not to assess whether there are changes in the varying degrees of ability or incentives for a third-party competitor, e.g., Optus, to compete, but rather whether the proposed transaction materially prevents that competitor from doing so – and whether this has a substantial impact on the process of competition. Where a market is competitive, conduct that affects the balance of competition by advantaging or disadvantaging a particular competitor will not necessarily lessen competition in the market.¹⁰¹
- 34 In this regard, any factual assessment of whether the proposed transaction forecloses Optus from competing (and whether this, in turn, substantially lessens competition) is inconsistent with the following facts¹⁰²:

⁹⁸ [Submission by NBN Co](#).

⁹⁹ Superfast Broadband Access Service and Local Bitstream Access Service declaration inquiry, Final Decision, July 2021, p 14: <https://www.accc.gov.au/system/files/SBAS%20and%20LBAS%20combined%20declaration%20inquiry%202020%20-%20Final%20decision%20-%20Public.pdf>.

¹⁰⁰ [Submission by Pivotel](#), p 7.

¹⁰¹ *Outboard Marine Australia Pty Ltd v Hecar Investments (No 6) Pty Ltd* (1982) ATPR 40-327.

¹⁰² The Applicants will address the impacts on Optus more fully in a separate submission.

- (a) Optus has an extensive network across the 17% Regional Coverage Area, and as a sunk investment, Optus has an incentive to compete to attract retail and wholesale traffic to that network; and
- (b) as set out in paragraph 241 of the Application, Optus has sufficient spectrum to compete against Telstra and TPG using the pooled spectrum on the MOCN, including sufficient spectrum to both meet continued growth in data consumption by users and to grow its market share by it or its MVNOs winning customers from Telstra and TPG.

35 In relation to Pivotel’s comments on the impact on smaller MNOs, the Applicants respond as follows:

- (a) supply of wholesale services, from passive infrastructure services, to roaming, through to full end-to-end MNO services is highly competitive. The market, without the need for regulation, delivered the Optus-TPG roaming deal and then the proposed transaction;
- (b) co-funding schemes embracing requirements for passive and active sharing, including models such as neutral hosts, create opportunities for smaller MNOs to establish network infrastructure which they can then ‘bring to the table’ in negotiations for coverage and access with other MNOs; and
- (c) the proposed Telstra-TPG MOCN will increase competition in wholesale services by enabling TPG to offer MVNOs and other wholesale partners with coverage that is competitive with the Optus and Telstra wholesale offerings. TPG also has the capacity to innovate in the scope and characteristics of the wholesale services it offers.

36 The Applicants’ responses to the other points made by Pivotel are set out in Table 8 below:

Table 8: Applicants’ response to Pivotel submission

No	Issue raised by Pivotel	Applicants’ response
1.	<i>“Pivotel queries whether the Commission should be conducting its assessment based on narrower geographic markets than those proposed by the applicants given that the spectrum pooling and MOCN sharing arrangements are limited to the 17% Regional Coverage Area.”¹⁰³</i>	The ACCC has previously adopted national markets for retail mobile services and wholesale mobile services. The extension of TPG’s coverage into the 17% Regional Coverage Area is about positioning TPG with a more competitive national footprint: the result will be that the factors which the ACCC has identified as defining the markets as national markets will be even more applicable to, or descriptive of, TPG as a competitor in those markets.
2.	<i>“TPG will be constrained in implementing its own new service offerings to its customers (or potential customers) in the region. This is because any upgrades or investments in the RAN will require the approval of Telstra. There is a risk that Telstra will</i>	• TPG will not be constrained in implementing its own new service offerings to its customers (or potential customers) in the 17% Regional Coverage Zone, particularly compared with a roaming agreement in the counterfactual. As explained in the

¹⁰³ [Submission by Pivotel](#), p 4.

No	Issue raised by Pivotel	Applicants' response
	<p><i>be able to use this to constrain TPG's effectiveness, where new service offerings require changes at the RAN level of the network.</i>¹⁰⁴</p>	<p>Application, under a MOCN arrangement, TPG can control its own product and plan development and, as such, offer new plans and products to market in a manner which will better allow for it to compete through product differentiation than is the case with roaming. This is because product plans (e.g., plans with different data inclusions) and new products (e.g., voice over LTE on 4G) are built and controlled in the mobile core network of a party and, whereas roaming is delivered by also using the mobile core network of the host in addition to its own mobile core network.</p> <ul style="list-style-type: none"> • Pivotel also has misconceived (and reversed) the effect of the non-discrimination obligations imposed on Telstra under the MOCN Agreement. Telstra is required to make available to TPG any RAN features which Telstra uses in supplying its retail services. As Telstra will be competing against Optus across its national footprint, Telstra will have incentives to continue upgrading the capabilities and features of the RAN to match or 'out-innovate' Optus, and TPG will gain the benefit of access to these upgraded or new RAN features [Confidential to the Parties] [REDACTED].
3.	<p><i>"There is a real chance that this will result in further consolidation of Telstra's dominance in regional Australia. While TPG's network becomes larger, increased costs will make it difficult for it to compete on price for end-users residing in the 17% Regional Coverage Zone (and will still have a smaller coverage area than Telstra).</i>¹⁰⁵</p>	<ul style="list-style-type: none"> • Other submissions, including NAB and ACCAN, agree with the Applicants' view that the enhanced competition as a result of the proposed Telstra-TPG MOCN is more likely to put downwards pressure on pricing. This is consistent with Richard Feasey's assessment in his report annexed to the Application. • As noted above, any increase in TPG's cost per user associated with the proposed transaction is insignificant when compared to its other network and operating costs and considered against the increase in subscribers it expects to obtain as a result of the proposed transaction. Accordingly, TPG has not

¹⁰⁴ [Submission by Pivotel](#), p 5.

¹⁰⁵ [Submission by Pivotel](#), p 5.

No	Issue raised by Pivotel	Applicants' response
		<p>considered the need (and has no current intention) to increase its prices to recover any small increase in marginal cost as a result of the proposed transaction.</p> <ul style="list-style-type: none"> Enhanced price competition is also more consistent with current market experience: Telstra and Optus MVNOs compete with TPG and TPG MVNOs at the lower end of the price range, notwithstanding that the costs of greater coverage than TPG currently has logically are 'embedded' in their cost base.
4.	<p><i>"Pivotel submits that the ACCC should make any authorisation of the merger subject to the following conditions:</i></p> <p><i>(a) requiring (or declaring) domestic roaming access in regional Australia for smaller MNO's;</i></p> <p><i>(b) allowing other MNOs to access the MOCN (recognising that only Optus will likely have the economies of scope and scale to benefit from this arrangement);</i></p> <p><i>(c) allowing third parties to use the TPG tower sites that would otherwise be decommissioned; and</i></p> <p><i>(d) requiring divestment of certain parcels of low band spectrum."¹⁰⁶</i></p>	<p>The proposed conditions are unsubstantiated by evidence supporting the anti-competitive effects Pivotel alleges the proposed Telstra-TPG MOCN will have, are divorced from commercial reality of the wholesale market, and may potentially raise competition concerns of their own:</p> <ul style="list-style-type: none"> re (a): the wholesale market will be more competitive than mandated roaming because the proposed Telstra-TPG MOCN will allow TPG to offer wholesale services to MVNOs across its entire 98.8% coverage area, whereas regional domestic roaming is only useful to an MNO that has a significant metropolitan network which no other MNO has;¹⁰⁷ re (b): Optus already has an existing network covering a substantial part of the 17% Regional Coverage Zone and sufficient spectrum to be competitive with Telstra and TPG on the MOCN. The drivers of the MOCN deal for Telstra and TPG are therefore absent in the case of Optus; re (c): the market for passive infrastructure services is competitive, given the dynamics that BAI and ATN identified in their submissions, including the demerger of MNO tower fleets into specialist infrastructure providers. The up to 169 TPG sites which are transferred to Telstra will be available for

¹⁰⁶ [Submission by Pivotel](#), p 8.

¹⁰⁷ [Confidential to the Parties] [REDACTED]

No	Issue raised by Pivotel	Applicants' response
		<p>facilities sharing under the <i>Telecommunications Act 1997 (Cth)</i>. Of the remaining ~550 sites to be decommissioned, it is open to any third party to negotiate with TPG or the third party site owner for access or use of the site and/or equipment; and</p> <ul style="list-style-type: none"> • re (d): the low band spectrum is the most useful spectrum in achieving improved coverage across the 17% Regional Coverage Zone. There is no competition case for divestiture: as set out in paragraph 241 of the Application, Optus has a relative per customer spectrum advantage over the pooled spectrum on the MOCN.

Anonymous

40 The ACCC received an anonymous submission opposing authorisation of the proposed Telstra-TPG MOCN and while it is not clear whether the interested party is a customer or competitor, many of the arguments made are industry or competitor focused.¹⁰⁸ Limited weight should be provided to such submissions where the interested party are not capable of being tested or identified from the context in which the submissions are raised.

41 This submission acknowledges that there are certain aspects of the proposal that will result in enhanced competition between three MNOs (mainly large regional towns), but it argues that the MOCN will not drive competition and coverage improvement to the degree needed because:

“TPG will be positioned as an MVNO on the Telstra Network, rather than an MNO in its own right... [and] TPG is surrendering its carrier spectrum in exchange for becoming a “second class citizen” on part of Telstra’s network.”¹⁰⁹

42 The Applicants respond as follows:

- (a) while MVNOs are, in effect, resellers of the end-to-end mobile service provided by the wholesaling MNO, TPG will be connecting its core network to the MOCN and as a result, will have the technical, operational and commercial capability to supply services, build products and manage customers as if TPG had built its own network in the 17% Regional Coverage Zone;
- (b) far from being a ‘second class citizen’, TPG considers because it has valuable spectrum to contribute to the MOCN, it has secured significant

¹⁰⁸ [Submission by Anonymous.](#)

¹⁰⁹ [Submission by Anonymous](#), pp 1-2.

rights that enable it to operate on the MOCN, access the RAN features and compete against Telstra on a non-discriminatory basis; and

- (c) taking the technical architecture and features of the MOCN Service together with the contractual safeguards such as non-discrimination, the proposed MOCN Service is fairly characterised as a ‘quasi-infrastructure’ and not an MVNO or roaming service. As such, TPG will be able to supply its own services, manage its own customers and build and offer new innovative products at a ‘deeper’ level in the network and more independently of Telstra than compared to MVNOs and roaming MNOs on another party’s network.

43 The Applicants’ responses to the other points made in the anonymous submission are set out in Table 9:

Table 9. Applicants’ response to the anonymous submission

No	Issue raised by Anonymous submission	Applicants’ response
1	<p><i>“Telstra claims that one of the benefits of this proposed merger, is the “congestion relief” its customers will receive with the ability to access greater spectrum contributed by TPG. A proposed merger that benefits one parties [sic] customers greater than another’s from day one and that has caveats restricting one parties [sic] contribution to a pooled resource by withholding access to latest technologies, should raise competition concerns.”¹¹⁰</i></p>	<ul style="list-style-type: none"> • The pooled spectrum is not being partitioned between the Applicants for mobile services, but each has access to the full pool of spectrum to serve its customers. There is nothing in the MOCN Agreement which prevents TPG using more of the pooled spectrum than it contributed – nor more of the pooled spectrum than Telstra (other than the equal allocation rules applying to FWA services). • “The congestion relief” also will benefit TPG customers, both current and new customers TPG may target, because TPG is able to offer high-speed, high-quality services with the benefit of the pooled spectrum. Telstra MVNOs will also benefit from the pooled spectrum, including in competing against Telstra retail services. • The purpose of the non-discrimination requirements of the MOCN Agreement is to ensure that TPG and Telstra customers receive an equivalent level of service from the MOCN, and that Telstra cannot withhold TPG’s access to the latest technology.
2.	<p><i>“Telstra will have ability to implement TPGs contributed 10MHz of 700MHz & 5 MHz of 850MHz low band spectrum outside of the agreed Regional</i></p>	<ul style="list-style-type: none"> • Telstra notes that as these more remote areas can be the most challenging to serve, Telstra is usually the only provider in these areas and Telstra’s ability to utilise the pooled spectrum to

¹¹⁰ [Submission by Anonymous](#), p 2.

No	Issue raised by Anonymous submission	Applicants' response
	<p><i>Coverage Zone for the sole benefit of only Telstra direct customers.”¹¹¹</i></p>	<p>improve coverage will deliver significant public benefits for users living and working in these remote areas.</p> <ul style="list-style-type: none"> • While Telstra currently is the only provider in many of these areas, alternative networks may become available as Optus continues to build network to pull back Telstra’s coverage advantage, co-funded infrastructure is deployed and with technology advances (such as LEOsats).
3.	<p><i>“The low band spectrum being contributed by TPG under proposed merger will be re-auctioned in 2028, just 6 years into a 10+5+5 the proposed merger term. Telstra market power and large profits will likely put this spectrum at a value considerably higher than new entrants into regional market could afford.”¹¹²</i></p>	<p>The 850 MHz band due to expire in 2028 is only one of several low-band spectrum bands to be used in the Telstra-TPG MOCN.</p> <p>Spectrum is a long-term asset made available in lots across different geographic areas. Spectrum is a scarce resource and all MNOs are expected to continue to compete strongly for spectrum to operate their networks. It is the role of the ACMA to determine the auction design and competition limits taking into account the prevailing market.</p>
4.	<p><i>“...the proposed merger should not be approved to include any of the low band 700MHz spectrum. Evidence is required that justifies current and projected TPG customer traffic demands will require the use of this 700MHz spectrum within the proposed merger.”¹¹³</i></p> <p><i>“Access to low band 700MHz spectrum should only be made to organisations that wish to drive outcomes in regional Australia that extends the national footprint to address blackspots, and which are open to all service providers to truly drive choice, competition and enhanced services and resiliency.”¹¹⁴</i></p>	<ul style="list-style-type: none"> • Much of the coverage improvement which the MOCN will achieve for Telstra customers and current and new TPG customers using the MOCN depends on low band spectrum, including 700MHz. • Telstra and TPG have invested substantial amounts in acquiring the low band spectrum. The Telstra-TPG MOCN ensures that TPG (and its customers) can realise value from its currently under-utilised or unused low band spectrum. • TPG considers that it is not a reasonable or viable counterfactual for TPG to explore contributing spectrum to a neutral host or open access network. If the proposed transaction does not proceed, is likely to continue to be under-utilised or unused.

¹¹¹ [Submission by Anonymous](#), p 2.

¹¹² [Submission by Anonymous](#), p 2.

¹¹³ [Submission by Anonymous](#), p 3.

¹¹⁴ [Submission by Anonymous](#), p 3.

No	Issue raised by Anonymous submission	Applicants' response
5.	<p><i>"...decommissioning/consolidating [of the TPG towers not transferred to Telstra] will:</i></p> <p><i>(a) result in TPG being beholden to either competitor when the proposed merger contract term ends.</i></p> <p><i>(b) drive less competition in infrastructure competition</i></p> <p><i>(c) has potential to drive up costs to co-locate on Amplitel towers by other MNOs/Active Neutral Host RAN providers."</i>¹¹⁵</p>	<ul style="list-style-type: none"> • With respect to (a), TPG responds that, on termination of the proposed transaction, TPG will have had many years to plan and implement alternative regional coverage solutions including one or several of the following: building new sites on existing tower infrastructure, using neutral host providers, network sharing with other MNOs, or utilising LEOsat services. When the proposed transaction terminates, TPG expects to have a significant customer base in metropolitan and regional Australia that is using the regional network, which will make it more commercially viable for TPG to invest in its own regional network. • With respect to (b), the Applicants refer to the submissions of BAI and ATN which describe a dynamic market for passive infrastructure sharing, made more so with the recent divestitures of MNO tower fleets to specialist facilities providers. • With respect to (c), Telstra notes that given the competitive market for passive infrastructure sharing, Amplitel is likely to be constrained in its ability to raise prices for colocation. Optus, or the owner of the Optus tower fleet, alone has over 2,700 sites across the 17% Regional Coverage Zone.

¹¹⁵ [Submission by Anonymous](#), p 2.

Annexure 1: Interested party submissions

No	Date	Submission
1.	1 June 2022	Submission by Andrew Lloyd
2.	9 June 2022	Submission by Coonamble Shire Council
3.	9 June 2022	Submission by Tech Mahindra Business Services
4.	9 June 2022	Submission by Tech Mahindra Business Services
5.	10 June 2022	Submission by TasICT
6.	10 June 2022	Submission by Corangamite Shire Council
7.	10 June 2022	Submission by Committee for Echuca Moama
8.	10 June 2022	Submission by Alliance of Western Councils
9.	11 June 2022	Submission by Food & Fibre Gippsland
10.	13 June 2022	Submission by Australia Tower Network
11.	13 June 2022	Submission by Gippsland Regional Executive Forum
12.	13 June 2022	South West Development Commission
13.	13 June 2022	Submission by Canberra Business Chamber
14.	13 June 2022	Submission by Kogan Mobile Operations Pty Ltd
15.	14 June 2022	Submission by Suntel Communications Pty Ltd
16.	14 June 2022	Submission by Regional Development Australia Peel
17.	14 June 2022	Submission by Narrabri Shire Council
18.	14 June 2022	Submission by Bunbury Geographe Economic Alliance
19.	14 June 2022	Submission by Australian Trucking Association
20.	14 June 2022	Submission by Jainish Pty Ltd
21.	14 June 2022	Submission by Charles Sturt University
22.	14 June 2022	Submission by Eurobodalla Shire Council
23.	14 June 2022	Submission by National Australia Bank
24.	14 June 2022	Submission by Logically Communications Pty Ltd
25.	14 June 2022	Submission by IMZI Pty Ltd
26.	14 June 2022	Submission by BAI Communications Pty Limited
27.	14 June 2022	Submission by Macquarie Telecom Group
28.	14 June 2022	Submission by Air Voice Telecom
29.	14 June 2022	Submission by Mobile Icon
30.	14 June 2022	Submission by Mavaya
31.	14 June 2022	Submission by NBN Co
32.	14 June 2022	Submission by Anonymous
33.	14 June 2022	Submission by the Internet Association of Australia (IAA)

No	Date	Submission
34.	15 June 2022	Submission by Jonathan Hutchins
35.	15 June 2022	Submission by Regional Development Australia Goldfields Esperance
36.	16 June 2022	Submission by Pivotel
37.	16 June 2022	Submission by Regional Development Australia Pilbara
38.	16 June 2022	Submission by Network Communications Pty Ltd
39.	17 June 2022	Submission by Committee for Gippsland
40.	17 June 2022	Submission by NSW Farmers Association
41.	20 June 2022	Submission by WAFarmers
42.	21 June 2022	Submission by Commpete
43.	21 June 2022	Submission by the Australian Communications Consumer Action Network (ACCAN)
44.	21 June 2022	Submission by Symbio Holdings
45.	26 June 2022	Submission by KALDER Communications Group Pty Ltd