



Merger Authorisations  
Australian Competition & Consumer Commission  
[mergerauthorisations@accc.gov.au](mailto:mergerauthorisations@accc.gov.au)

Re: Telstra Corporation Limited and TPG Telecom Limited proposed spectrum sharing.

Dear Merger Authorisations,

PLUS ES is a Meter Service Provider in the National Electricity Market (NEM) using SIM cards provided by TPG Telecom Limited in modems in electricity meters to enable remote meter reading and other services.

We have recently been provided with a list of SIMs expected to be impacted by the proposed merger of spectrums. These SIMs are currently operating on the 3G spectrum of TPG Telecom Limited allowing us to access the meter 24\*7.

We understand that the submission period is closed, however we were only made aware of the high volume of sites impacted very recently and after the submission close date. We do call on the ACCC to consider this late submission now that we are aware of the considerable impact on our business and the NEM.

Whilst PLUS ES is not concerned about the spectrum sharing proposal, we do have a deep concern at the timing of this activity given the 3G shutdown has been advised as to occur in 2024. The activity which will occur, should this proposal be approved in October 2022, has been advised to begin in December 2022. Until recently, we were not aware of the breadth of the intended 3G shutdown program and the large volume of our meters which will lose communications. In the NEM, all meters that lose communications must be rectified within 15 Business Days such that meter data delivery is not impacted too severely. This a requirement under the Metrology Procedure - Part A NEM, a procedure implemented under the National Electricity Rules. TPG Telecom Limited have advised PLUS ES that approx 7,000 (7K) meters are likely to be impacted.

These arrangements also have a number of significant regulatory compliance and enforcement impacts on Metering Coordinators, Metering Providers and Metering Data Providers under the National Electricity Rules. Some examples (non-exhaustive) include:

- under clause 7.3.2(e)(4) of the NER, Metering Coordinators must, where remote acquisition (eg internet etc) is used or is to be used, ensure that a communications interface (eg modem and other devices between metering installations and telecommunications network) is installed and maintained to facilitate connection to the telecommunications network. This is a tier 1 civil penalty;
- under clause 7.8.2(a)(4) of the NER, Metering Providers must ensure that a metering installation (other than a type 7 metering installation) includes a communications interface to meet the requirement of clause 7.3.2(e)(4). This is a tier 2 civil penalty provision;
- under clause 7.3.2(h) of the NER, Metering Coordinators must arrange for the provision of relevant metering data to the Metering Data Provider if remote acquisition, if any, becomes unavailable. This is a tier 1 civil penalty provision;
- under clause 7.10.2(j) of the NER, Metering Data Providers must arrange with the Metering Coordinator to obtain relevant metering data if remote acquisition becomes unavailable; and
- the Australian Energy Market Coordinator Service Level Procedures for Metering Data Provider Services and Metering Provider Services also contain additional obligations and timeframes for those obligations in the event remote acquisition becomes unavailable. These need to be taken into account and time allowed to accommodate the requirements under the Service Level Procedures.

As the sites impacted are in regional and rural areas, the ability of PLUS ES to attend 7,000 sites prior to the commencement of the proposed 3G shutdown is both very difficult to schedule in a short time and even then, very costly. If we do not upgrade our modems to 4G at the impacted sites prior to TPG Telecom Limited commencing its proposed works, we will see a rolling set of communication faults across our fleet as the 7,000 modems become unresponsive. The cost to visit these highly dispersed 7,000 sites within the 15 Business Day period will cause PLUS ES to incur significant additional costs:

- including 150% more than a standard planned visit to upgrade the impacted modems;



- this increased cost is not sustainable nor is the scheduling achievable given our current program of works and
- furthermore, the high volume of impacted sites and proposed tight timeframe could significantly impact PLUS ES' ability to comply with its contractual obligations with Retailers and Customers in relation to those impacted sites.

PLUS ES asks that the ACCC enforces a mandatory minimum time period between the approval of the proposal (should it do so) and the beginning of any action resulting by TPG Telecom Limited. We suggest that we require 12 months to be sure that we have addressed all 7,000 sites prior to any change in conditions in the 3G connectivity. If this was the case, the changed conditions could not be in place until November 2023 which is considerably closer to the original 3G shutdown date we were notified of by various communications by TPG and the media and have been planning to.

We would be happy to discuss the significant implementation limitations associated of the proposal with you and provide further details regarding the potential risks the proposal may have regarding PLUS ES' ability to comply with its legislative and contractual obligations, as required.

We look forward to your thoughts on this matter.

Kind regards



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Head of Metering - PLUS ES