



Adjudication
Australian Competition & Consumer Commission
Email: adjudication@acc.gov.au

9 April 2020

Dear Adjudication team

AA1000483 – NBN Co and Ors – submission

I refer to the above interim authorisation lodged by NBN Co Limited (NBN Co) on behalf of itself and five retail communications service providers (the Special Working Group) on 30 March 2020, and the ACCC's interim authorisation decision dated 31 March 2020.

Southern Phone Company (**Southern Phone**) is a provider of fixed line voice and data and mobile services across Australia, and in particular, regional Australia. From December 2019, Southern Phone has been under the ownership of AGL Energy Limited. In providing its services, Southern Phone acquires wholesale network services from NBN Co as well as from members of the Special Working Group.

Southern Phone welcomes the interim authorisation and is generally supportive of the need for collective work and implementation of a range of contingency planning measures by NBN Co and the Special Working Group in response to the COVID-19 pandemic.

Given its customer base and its focus on providing services in regional areas, Southern Phone has a particular interest in any arrangement which:

- impacts the provision of telecommunications services to certain groups including, the elderly or vulnerable or people in rural or remote areas (Proposed Conduct (b)); or
- provides a collective industry response or responses to economic hardship to end users arising from the COVID-19 crisis (Proposed Conduct (f)).

Further, as a network user, Southern Phone may be impacted by any arrangement in relation to network availability and demand and congestion management (Proposed Conduct (a) and (d)).

While Southern Phone does not at this point seek to join the Special Working Group, it does consider it appropriate for there to be additional transparency to ensure that other retail service providers who are not members of the Special Working Group (Other RSPs) and sector participants are given adequate information and notice in relation to arrangements that may impact them. Such transparency will allow Other RSPs like Southern Phone to determine whether or not it needs to participate in matters relating to the Proposed Conduct, or in the case of network-related Proposed Conduct, advise its customers in advance of any temporary changes to their service.



Southern Phone would therefore welcome amendments to condition 2 of the ACCC's grant of interim authorisation to allow for this additional transparency along the following lines:

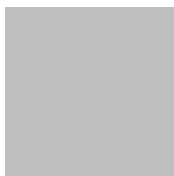
- make clear that NBN Co is to provide information about any material decisions, or measures arising from such decisions, to Other RSPs as soon as practicable, prior to any such measures coming into effect, and, if practicable, and depending on the materiality of the impact on the Other RSPs' business activities, give an opportunity for the Other RSPs to provide feedback to NBN Co or participate in a short period of consultation prior to the making of such material decisions or the implementation of any such measures; and
- broaden the condition so that Other RSPs are provided with information regarding all material decisions, and measures arising from such decisions. That is, Other RSPs would be notified directly of such decisions (and measures) irrespective of whether they are implemented by NBN Co (or by any other member of the Special Working Group) and irrespective of views as to their potential to affect the business activities of Other RSPs.

Further, in relation to condition 1, and subject to any changes to condition 2, the ACCC may also consider whether material decisions made by the Special Working Group or its subcommittee are communicated directly to Other RSPs on the NBN Co website or through NBN Co account teams and other communication channels that already exist. This may be a quicker and more practical means of achieving transparency than publication of decisions on the ACCC public register.

Southern Phone and AGL appreciate the opportunity to comment on the interim authorisation and the ACCC's decision.

If you have any further questions, please contact me at [REDACTED] or on [REDACTED]

Yours sincerely,



David Joss
CEO