

ACCC Internet Activity RKR – Proposed amendments

- Vocus is concerned the proposed changes would reveal commercially-sensitive data of a single operator – something not expected of any other private operator
- If made public, this data could be used by competitors to target a new market entrant
- The release of commercially-sensitive data could undermine investment in the very markets where it is needed most – regional and remote communities

Vocus cautions that the ACCC's proposal to amend the Internet Activity RKR to include Starlink and wholesale satellite SIOs will reveal commercially-sensitive data of a new market entrant, which could be used by incumbent operators to target these fledgling services with their own established and competitive infrastructure.

Unlike the data currently published in the ACCC's biannual Internet Activity Report, the publication of Starlink-specific data could be used by both private (i.e. Mobile Network Operators 'MNOs', traditional satellite operators) and public (NBN Co) competitors to target Starlink's customers.

There is a competitive neutrality issue in requiring Starlink specifically to disclose private data. Currently, the Internet Activity Report only discloses data on home wireless broadband and mobile services in aggregate – meaning that the data contained in the report does not disclose the specific data of any one MNO, preventing carrier-specific data from being utilised by competitors. In contrast, the inclusion of Starlink – as the only active operator of LEO satellite services – will publicise one operator's data to its competitors, allowing competitors to tailor mobile/fixed wireless offerings to more effectively compete against Starlink.

Similarly, NBN Co would also be able to more effectively target Starlink's market with its Fixed Wireless and Sky Muster networks. As a regulated fixed-line infrastructure monopoly and Government Business Enterprise, it should be expected that NBN Co is subject to public reporting of SIOs, speed tiers, and monthly downloads – however this same standard should not apply to a private investor where its data would be uniquely exposed to competitor scrutiny.

Starlink's services have brought commercial, unsubsidised infrastructure competition to parts of Australia that have historically been 'non-commercial' and served only as a result of public funding (i.e. Telstra's USO services, and NBN Co's publicly-funded Fixed Wireless and Satellite networks supported by the Regional Broadband Scheme 'RBS' levy). The operators of these services have a strong incentive to maintain the status quo, lest their subsidy income-streams be disrupted, and are therefore likely to target Starlink services with their subsidised offerings.

Furthermore, despite being the recipients of generous public subsidies, NBN Co is not required to provide public data regarding revenues generated from its non-commercial services, nor the degree to which it cross-subsidises from commercial (metro) markets into non-commercial (regional and remote) markets. Despite benefitting from initial public funding to build its networks and ongoing funding via the RBS, commercial operators like Starlink have no protection from NBN cross-subsidisation.

For decades, the Commonwealth has sought to encourage – not discourage – communications infrastructure investment in regional Australia. Forcing a new and innovative market entrant to publicly disclose commercially-sensitive data to the benefit of its competitors risks undermining investment where Australia needs it most.

Should the ACCC proceed with its proposed RKR amendment, it should seek to utilise this data privately and not publicly to the benefit of Starlink's competitors.

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