



16 April 2013

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Australian Competition and Consumer Commission

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Dear Sean

Telstra's proposed variations to the migration plan

Thank you for the opportunity to comment on the three variations to the Migration Plan sought by Telstra on 4 April 2013.

AAPT's comments in relation to the three proposed changes are as follows:

1. **Defer the commencement of the Cease Sale Obligation until 1 July 2013** – AAPT is not opposed to the proposal to extend the commencement date of the cease sale obligation under clause 17 of the Migration Plan (**Cease Sale Obligation**) to the later of 1 July 2013 or 10 Business Days after the Ready for Service Date of the Rollout Region.
2. **Create a new exception to the Cease Sale Obligation** – AAPT is not opposed to the principle of incorporating a “churn transition” exception, which allows a customer to churn their service without the need to disconnect the voice service prior to the NBN order being lodged and risk losing their telephone number as a result of the quarantine process.

That said, the amendment proposed by Telstra does not appear to allow churn of certain voice services from Telstra to its wholesale customers. In AAPT's view, this would unfairly favour Telstra Retail and would be non-equivalent. AAPT considers it is more appropriate for there to be a broader exception that applies to orders of “new” voice services where the end user wants to change their retail service provider for the voice service under all scenarios (including churns from Telstra Retail to acquirers of ULLS and acquirers of Telstra's retail or resale services).

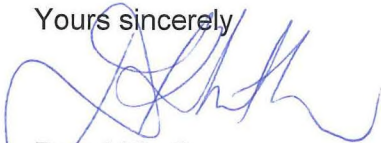
In addition, AAPT considers that there is also a need to include an additional exception to the Cease Sale Obligation such that it does not apply in circumstances where an order or request by a wholesale customer cannot be met by NBN Co for any reason. As AAPT has previously submitted, such an exception would avoid wholesale customers being stranded in the circumstances where NBN Co cannot, for any reason, fulfil an order, and Telstra also cannot fulfil the order because of, or reliance on, the wording of the Cease Sale Obligation provision.

3. **Extend the definition of Initial Release Rollout Regions** – Without further information, AAPT does not support Telstra's proposal to amend the Migration Plan to include an additional 82 FSAMs to the Initial Release Rollout Region.

In AAPT's view, the amendment would certainly benefit Telstra, as it gives Telstra the ability to migrate more customers, more quickly. In contrast, it is unclear what the advantage would be to wholesale customers who have been planning on the basis of the current process and existing FSAMs and therefore unlikely to be in a position to take advantage of the proposed amendment in the same way that Telstra will be.

AAPT wishes to understand what problem(s) in the current process this amendment is intended to address. If NBN services are available from these proposed additional 82 FSAMs now, then why have they not been determined to be "ready for service"? If the "ready for service" date is actually not far away, then any benefit to be had from the proposed amendment is far outweighed by the unnecessary complexity and process adjustments it is likely to introduce.

Yours sincerely



Danet Khuth
Corporate Counsel