



AUSTRALIAN COMPETITION
& CONSUMER COMMISSION

NBN Services in Operation – Record Keeping Rules

Consultation paper

16 July 2020

Australian Competition and Consumer Commission
23 Marcus Clarke Street, Canberra, Australian Capital Territory, 2601
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1. Introduction

1.1. Purpose

The purpose of this Consultation Paper is to seek stakeholders' views on the Australian Competition and Consumer Commission's (ACCC) proposed extension of the *National Broadband Network Services in Operation Record Keeping and Reporting Rules* (NBN SIO RKR) and the related Disclosure Direction.

1.2. Submission process

The ACCC encourages submissions from all stakeholders including industry participants and end users of telecommunications services.

Submissions should be provided by **5.00pm on Friday, 14 August 2020**.

Submission of commercial-in-confidence material

All submissions will be considered by the ACCC as public submissions and will be posted on the ACCC website. Interested parties wishing to submit commercial-in-confidence material to the ACCC should submit both a public version and commercial-in-confidence version of their submission. The ACCC has issued a guideline setting out the process parties should follow when submitting confidential information to communications inquiries commenced by the ACCC. The guideline is available on the ACCC website at:

<https://www.accc.gov.au/publications/communications-inquiries-submitting-confidential-material>

Contact officer and submission lodgement details

Enquiries in the first instance should be directed to Steve Williams on (07) 3835 4602.

Please email submissions to:

Steve Williams

Assistant Director

Transmission and Facilities Access
Infrastructure Regulation Division
Australian Competition & Consumer
Commission

(07) 3835 4602

steve.williams@acc.gov.au

David Hinitt

Senior Analyst

Transmission and Facilities Access
Infrastructure Regulation Division
Australian Competition & Consumer
Commission

(02) 9230 9148

david.hinitt@acc.gov.au

2 The NBN SIO RKR

2.1. Regulatory framework

The Australian Competition and Consumer Commission has the power to collect information from industry to undertake its telecommunications regulatory functions under the *Competition and Consumer Act 2010* (CCA) and relevant telecommunications legislation.

Section 151BU of the CCA provides that the ACCC may make record keeping rules requiring carriers and carriage service providers to keep records and provide reports on the information in those records to the ACCC. The ACCC cannot require records to be kept unless they contain information relevant to the operation of certain parts of the CCA or certain other legislation.¹

Sections 151BUA, 151BUB and 151BUC of the CCA give the ACCC the power to disclose, or to require carriers or carriage service providers to disclose reports, or extracts of reports, prepared in accordance with an RKR. The NBN SIO RKR Disclosure Direction is made under 151BUC(2)(c) of the CCA.

2.2. Background

The NBN SIO RKR was first issued in September 2014 in order to obtain information relevant to the operation of Part XIB and Part XIC of the CCA. The current NBN SIO RKR is at Attachment A. The Disclosure Direction was first issued on 18 March 2016 and requires NBN Co to provide a quarterly NBN Wholesale Market Indicators Report (based on the NBN SIO RKR data) for publication on the ACCC's website. The current Disclosure Direction is at Attachment B.

Under Part XIB, the ACCC is responsible for enforcing the telecommunications specific anticompetitive conduct provisions as well as providing the Minister with annual reports including a report on competitive safeguards within the telecommunications industry.

The objective of Part XIC of the CCA is to promote the long-term interests of end-users (LTIE), which comprises the objectives of:

- promoting competition
- achieving any-to-any connectivity in relation to carriage services that involve communication between end-users, and
- encouraging the economically efficient use of, and investment in, infrastructure supplying telecommunications services.

The ACCC has a number of statutory functions under Part XIC of the CCA including declaration of listed carriage services, conducting inquiries for access determinations (containing price and non-price terms of access) for declared services and the assessment and enforcement of special access undertakings and anticipatory exemption applications.

The ACCC also has ancillary enforcement functions under Part XIC including ensuring access providers (including NBN Co) comply with the standard access obligations set out in sections 152AR and 152AXB of the CCA.

¹ s.151BU (4) of the CCA

2.3. Use of data collected under the Rules

The ACCC's performance of these statutory functions, and the operation of Part XIB and Part XIC of the CCA more generally, depends on the ACCC receiving timely and reliable information concerning the state of competition in telecommunications markets, information regarding how competitive dynamics are changing over time and information on the efficient use of, and investment in, telecommunications infrastructure.

In this regard, the NBN SIO RKR provides for the quarterly reporting of highly relevant information on demand for NBN Co.'s wholesale services – in terms of the number of services in operation, referred to as access virtual circuits (AVC), and network capacity acquired, referred to as connectivity virtual circuits (CVC). It also provides information on technology type and attributes (such as wholesale speed tier) as well as the geographical distribution of NBN services.

Such information is crucial for the ACCC to be able to monitor and understand how competition is developing over the NBN and whether the use of and investment in telecommunications networks occurs in an efficient manner. Competition and efficient investment are important for economic efficiency, which in turn leads to outcomes that will be in the LTIE.

For example, the ACCC utilises NBN SIO RKR data in considering various regulatory and enforcement matters, including:

- monitoring and analysis of CVC capacity provisioning (including during COVID-19)
- investigation into RSP advertising (e.g. broadband speed claims)
- consideration of NBN entry-level access pricing issues
- informing stakeholders and the public of NBN market developments through the dissemination of public information under the Disclosure Direction
- examination and analysis of industry data in conjunction with analysis of the Internet Activity RKR usage data, and
- declaration and access determination inquiries (e.g. SBAS and LBAS).

The publication of the NBN Wholesale Market Indicators Report required by the Disclosure Direction provides a summary of key information contained in the NBN SIO RKR data, including total services by technology type, traffic class, speed tier, location and total CVC capacity by location. It also provides related data for the access seekers with over one per cent of market share along with selected AVC and CVC data for the 121 NBN POIs.

The NBN Wholesale Market Indicators Report information is useful to a wide range of stakeholders and provides important transparency for telecommunications market participants. The ACCC's interactive [NBN Wholesale Market Indicators Report webpage](#) provides stakeholders including media outlets with easy access to the wide range of information available for analysis.

3. Matters for consultation

3.1. Extending the NBN SIO RKR expiry date

The NBN SIO RKR is due to expire on 30 September 2020 and the Disclosure Direction will expire unless the NBN SIO RKR is extended. The ACCC considers that the information currently reported by NBN Co and published by the ACCC regarding NBN wholesale markets remains important and should continue.

Given the current levels of usage of the information contained in the reports provided under the RKR and the likelihood that such information will continue to assist the ACCC in its functions well into the future the ACCC has a preference for extending the RKR for a period of five years. The ACCC seeks stakeholders' views on whether the NBN SIO RKR should be extended and for how long.

The ACCC notes that if the NBN SIO RKR is extended then the Disclosure Direction in its current form will continue to apply to NBN Co. The ACCC also notes that it can vary the NBN SIO RKR or the Disclosure Direction before the expiry date if required.

3.2. Minor amendment to the NBN SIO RKR instrument

As an administrative matter, the ACCC intends to update the NBN SIO RKR instrument to reflect a minor change to the reporting requirements whereby NBN Co must provide the CVC identification number (CVC ID) for each CVC service that it reports. NBN Co currently reports this information voluntarily. The ACCC will also add FTTC, which NBN Co only started reporting in September 2018, to the definitions section.

3.3. Any other matters

The ACCC has not identified any other changes to be made to the NBN SIO RKR or the Disclosure Direction but seeks views from stakeholders regarding any other matters.

4. Questions on which the ACCC seeks views

The ACCC is seeking comment from stakeholders and other interested parties on the questions set out below.

Decision to extend the NBN SIO RKR

- 1) Is it appropriate to extend the NBN SIO RKR beyond September 2020?
- 2) Should the NBN SIO RKR be extended for three years, five years or another time period?

Any other matters relevant to the NBN SIO RKR

- 3) Are there any other matters that the ACCC should consider in improving or revising the current NBN SIO RKR or Disclosure Direction?

ATTACHMENT A – Current NBN SIO RKR

NBN Services in Operation
Record Keeping and Reporting Rules

Section 151BU

Competition and Consumer Act 2010

Australian Competition and Consumer Commission

August 2014

TITLE

- (1) These rules made by the Australian Competition and Consumer Commission (ACCC) pursuant to section 151BU of the *Competition and Consumer Act 2010* (CCA) may be referred to as the NBN Services in Operation Record Keeping and Reporting Rules (Rules).

COMMENCEMENT AND EXPIRY

- (2) These Rules shall take effect from 1 October 2014 and expire on 30 September 2020.

APPLICATION

- (3) These Rules apply to NBN Co Limited (ACN 136 533 741) (NBN Co).

INTERPRETATION

- (4) The following terms have the meaning set out in this clause.
 - (a) **'Access Seeker'** has the same meaning as in section 152AG of the CCA.
 - (b) **'ACCC'** means the Australian Competition and Consumer Commission.
 - (c) **'AVC'** means access virtual circuit as defined in an applicable Standard Form of Access Agreement.
 - (d) **'CCA'** means the *Competition and Consumer Act 2010* (Cth).
 - (e) **'CVC'** means connectivity virtual circuit as defined in an applicable Standard Form of Access Agreement.
 - (f) **'Existing Network Access Services'** means FTTB, FTTN, FTTP, HFC, Satellite and Wireless access services.
 - (g) **'FTTB'** means the FTTB Network (as that term is defined in an applicable Standard Form of Access Agreement) used by NBN Co to supply the product defined as the nbn Ethernet in an applicable Standard Form of Access Agreement.
 - (h) **'FTTN'** means the FTTN Network (as that term is defined in an applicable Standard Form of Access Agreement) used by NBN Co to supply the product defined as the nbn Ethernet in an applicable Standard Form of Access Agreement.
 - (i) **'FTTP'** means the Fibre Network (as that term is defined in an applicable Standard Form of Access Agreement) used by NBN Co to supply the product defined as the nbn Ethernet in an applicable Standard Form of Access Agreement.
 - (j) **'HFC'** means the HFC Network (as that term is defined in an applicable Standard Form of Access Agreement) used by NBN Co to supply the product

defined as the nbn Ethernet in an applicable Standard Form of Access Agreement.

- (k) **‘New Network Access Service’** means a service supplied by NBN Co over a customer access network which is not an Existing Network Access Service and is not a network access service subject to any other record keeping rule made by the ACCC.
 - (l) **‘POI’** means point of interconnection as defined in an applicable Standard Form of Access Agreement.
 - (m) **‘Product Component’** and **‘Product Feature’** have, in respect of a network access service the same meanings as in the applicable Standard Form of Access Agreement for the network access service.
 - (n) **‘Reporting Date’** means the last day of a calendar quarter (i.e. 31 March, 30 June, 30 September, 31 December).
 - (o) **‘Rule’** means the *NBN Co Services in Operation Record Keeping and Reporting Rule*.
 - (p) **‘Satellite’** means the Satellite Network (as that term is defined in an applicable Standard Form of Access Agreement) used by NBN Co to supply the product defined as the nbn Ethernet in an applicable Standard Form of Access Agreement.
 - (q) **‘Service in Operation’** or **‘SIO’** refers to an active telecommunications service being supplied by NBN Co to an Access Seeker.
 - (r) **‘Standard Form of Access Agreement’** refers to NBN Co’s standard forms of access agreement, published on its website, that relate to the supply of the relevant products and services to Access Seekers.
 - (s) **‘TC-1’** means AVC traffic class 1 and CVC traffic class 1 (as applicable) as defined in an applicable Standard Form of Access Agreement.
 - (t) **‘TC-2’** means AVC traffic class 2 and CVC traffic class 2 (as applicable) as defined in an applicable Standard Form of Access Agreement.
 - (u) **‘TC-4’** means AVC traffic class 4 and CVC traffic class 4 (as applicable) as defined in an applicable Standard Form of Access Agreement.
 - (v) **‘Wireless’** means the Wireless Network (as that term is defined in an applicable Standard Form of Access Agreement) used by NBN Co to supply the product defined as the nbn Ethernet in an applicable Standard Form of Access Agreement.
- (5) Unless the contrary intention appears, an expression used in these Rules that is also used in the CCA has the same meaning in these Rules as it does in the CCA.

RECORD KEEPING RULES

Record keeping rules for Existing Network Access Services

- (6) For each POI at which it offers Existing Network Access Services, NBN Co must establish and maintain an electronic record containing the following information:
 - (a) The name of the POI.
 - (b) The state or territory in which the POI is located.
 - (c) The name of each Access Seeker being provided with Existing Network Access Services at the POI.
 - (d) The total number of AVCs supplied in TC-1 for each Existing Network Access Service type, grouped by data transfer rate 'tier' as specified in NBN Co's applicable Standard Form of Access Agreement, for each Access Seeker at the POI.
 - (e) The total number of AVCs supplied in TC-2 for each Existing Network Access Service type, grouped by data transfer rate 'tier' as specified in NBN Co's applicable Standard Form of Access Agreement, for each Access Seeker at the POI.
 - (f) The total number of AVCs supplied in TC-4 for each Existing Network Access Service type, grouped by data transfer rate 'tier' as specified in NBN Co's applicable Standard Form of Access Agreement, for each Access Seeker at the POI.
- (7) [Deleted]
- (8) [Deleted]

Record keeping rules for CVCs

- (9) For each POI, NBN Co must establish and maintain an electronic record containing the following information:
 - (a) The name of the POI.
 - (b) The state or territory in which the POI is located.
 - (c) The name of each Access Seeker being provided with CVC services in connection with Existing Network Access Services at the POI.
 - (d) The contracted CVC TC-1 capacity in Mbps for Existing Network Access Services for each Access Seeker at the POI.
 - (e) The contracted CVC TC-2 capacity in Mbps for Existing Network Access Services for each Access Seeker at the POI.
 - (f) The contracted CVC TC-4 capacity in Mbps for Existing Network Access Services for each Access Seeker at the POI.
 - (g) The average utilisation in Mbps for contracted CVC TC-1 capacity for Existing Network Access Services between 7:00pm and 11:00pm daily for each Access Seeker at the POI.

- (h) The average utilisation in Mbps for contracted CVC TC-2 capacity for Existing Network Access Services between 9:00am and 5:00pm daily for each Access Seeker at the POI.
 - (i) The average utilisation in Mbps for contracted CVC TC-4 capacity for Existing Network Access Services for each hour between 7:00p m and 11:00pm daily for each Access Seeker at the POI.
 - (j) The average utilisation in Mbps for contracted CVC TC-1 capacity for Existing Network Access Services for each Access Seeker at the POI.
 - (k) The average utilisation in Mbps for contracted CVC TC-2 capacity for Existing Network Access Services for each Access Seeker at the POI.
 - (l) The average utilisation in Mbps for contracted CVC TC-4 capacity for Existing Network Access Services for each Access Seeker at the POI.
- (10) If NBN Co supplies an Access Seeker with multiple CVCs at a given POI, NBN Co must establish and maintain a separate record as required under Rules 9(d) to (l) for each CVC.
- (11) The obligation to record CVC capacity under Rules 9(d) to (f) is satisfied by NBN Co measuring CVC capacity at 11:59:59p m on a daily basis for Existing Network Access Services for each Access Seeker at each POI.
- (12) The obligation to record CVC utilisation under Rules 9(g), 9(h), 9(j) to (l) and 10 is satisfied by NBN Co measuring CVC utilisation at regular intervals throughout each day and making a record of the average utilisation on a daily basis. The obligation to record CVC utilisation under Rule 9(i) is satisfied by NBN Co measuring CVC utilisation at each hour between 7:00pm and 11:00pm each day and making a record of the average utilisation for each of those hours on a daily basis.

Record keeping rules for New Network Access Services or Product Components/Features

- (13) The ACCC may, by providing written notice to NBN Co, request NBN Co to establish and maintain an electronic record that relates to any New Network Access Service, or any Product Component or Product Feature which is not currently the subject of these Rules, provided that NBN Co has published a Standard Form of Access Agreement on its website that relates to the New Network Access Service or the Product Component or Product Feature.
- (14) Subject to Rule 15 and 16, NBN Co must, within 90 calendar days of receiving the written notice provided under Rule 13:
- (a) Establish and maintain an electronic record containing information about the New Network Access Service, Product Component or Product Feature which is equivalent to that required by Rules 6 to 12.
 - (b) Comply with the reporting requirements in Rules 18 to 22 in respect of the New Network Access Service, Product Component or Product Feature.
- (15) NBN Co can provide written notice to the ACCC which specifies the information it can reasonably provide to the ACCC in respect of the New Network Access Service, Product Component or Product Feature, as the case may be, and, or, the time by which it can provide the information.

- (16) Should NBN Co provide a written notice to the ACCC under Rule 15, then its obligations pursuant to Rule 14 are taken to be varied in accordance with the terms of the notice.

Guidance note: this is not intended to limit the ACCC's power to make other record keeping rules for New Network Access Services or for Product Components or Product Features which are not currently the subject of these Rules.

Duration for which records must be kept

- (17) A record made under Rules 6 to 16 must be kept by NBN Co for 12 months from the date on which the record is made.

REPORTING REQUIREMENTS

- (18) For each calendar quarter, NBN Co must provide the ACCC with a report containing the information required by Rules 6 to 16 of these Rules as at the Reporting Date.
- (19) Notwithstanding Rule 18, NBN Co is not required to provide reports containing the information required by:
- (a) [Deleted]
 - (b) Rules 6 to 16 of these Rules to the extent that it supplies the relevant services on a non-commercial trial basis.
 - (c) [Deleted]
- (20) A report under Rule 18 must be:
- (a) provided to the ACCC within 28 calendar days of the Reporting Date.
 - (b) prepared and submitted for Existing Network Access Services electronically in Microsoft Excel in the format prescribed by the ACCC and annexed at **Attachment A**.
 - (c) prepared and submitted for New Network Access Services as a consolidation with the report for Existing Network Access Services if practical and otherwise electronically in Microsoft Excel in a format substantially similar to the format prescribed by the ACCC and annexed at **Attachment A**.
- (21) The report specified under Rule 18 must be provided to the ACCC by email or by another mode of delivery approved in writing by the ACCC. Reports provided by email must be sent to both of the following addresses:
- (a) rkriinbox@accc.gov.au
 - (b) irdadmin@accc.gov.au
- (22) The ACCC:
- (a) may amend the format referred to in Rule 20(b) and (c).
 - (b) must provide NBN Co with adequate notice of any such amendment.
- (23) NBN Co must prepare any other report containing the information required by Rules 6 to 16 of these Rules as and when required by the ACCC. The ACCC must provide NBN Co with adequate notice of any such request.

ATTACHMENT A: TEMPLATE FOR SIOS DATA

[One table per Existing Network Access Service]

				State	
				POI name	
				Access seeker	
				<i>(e.g. 0.15 Mbps)</i>	TC-1 AVC SIOs (count)
				<i>(e.g. 0.5 Mbps)</i>	
				<i>(e.g. 1 Mbps)</i>	
				Total TC-1 AVC SIOs	
				<i>(e.g. 5/5 Mbps)</i>	TC-2 AVC SIOs (count)
				<i>(e.g. 10/10 Mbps)</i>	
				<i>(e.g. 20/20 Mbps)</i>	
				Total TC-2 AVC SIOs	
				<i>(e.g. 12/1 Mbps)</i>	TC-4 AVC SIOs (count)
				<i>(e.g. 25/5 Mbps)</i>	
				<i>(e.g. 50/20 Mbps)</i>	
				Total TC-4 AVC SIOs	

[One table for Satellite and one table for all other Existing Network Access Services. One row for each individual CVC. One entry per day for the average daily utilisation plus one entry per day for the average utilisation for the TC1 or TC2 busy period or one entry for the average utilisation of each hour of the TC4 busy period.]

			State
			PO I name
			Access seeker
			CVC Traffic Class
			Contracted capacity* (Mbps) (Day1)
			Avg. utilisation (Mbps) (Day 1)
			Avg. utilisation during Traffic Class peak period (Day 1, 7pm to 8pm (TC 4), or 7pm to 10pm (TC 1), or 9am to 5pm (TC 2))
			Avg. utilisation during Traffic Class peak period (Day 1, 8pm to 9pm)
			Avg. utilisation during Traffic Class peak period (Day 1, 9pm to 10pm)
			Avg. utilisation during Traffic Class peak period (Day 1, 10pm to 11pm)
			Contracted capacity* (Mbps) (Day n)
			Avg. utilisation (Mbps) (Day n)
			Avg. utilisation during Traffic Class peak period (Day n, 7pm to 8pm (TC 4), or 7pm to 10pm (TC 1), or 9am to 5pm (TC 2))
			Avg. utilisation during Traffic Class peak period (Day n, 8pm to 9pm)
			Avg. utilisation during Traffic Class peak period (Day n, 9pm to 10pm)
			Avg. utilisation during Traffic Class peak period (Day n, 10pm to 11pm)
			Contracted capacity* (Mbps) (Day last)
			Avg. utilisation (Mbps) (Day last)
			Avg. utilisation during Traffic Class peak period (Day last, 7pm to 8pm (TC 4), or 7pm to 10pm (TC 1), or 9am to 5pm (TC 2))
			Avg. utilisation during Traffic Class peak period (Day last, 8pm to 9pm)
			Avg. utilisation during Traffic Class peak period (Day last, 9pm to 10pm)
			Avg. utilisation during Traffic Class peak period (Day last, 10pm to 11pm)

*Where the contracted capacity for CVC has changed during a day, the contracted capacity will be the capacity at the end of the day.

ATTACHMENT B – Current Disclosure Direction

DISCLOSURE DIRECTION

Issued by the Australian Competition and Consumer Commission

To

NBN Co Limited

ACN 136 533 741

*Pursuant to section 151BUC of the
Competition and Consumer Act 2010 (Cth)*

Direction

1. Pursuant to paragraph 151BUC(2)(c) of the *Competition and Consumer Act 2010* (the CCA), the Australian Competition and Consumer Commission directs NBN Co Limited to:
 - a) make copies of extracts of reports that are prepared pursuant to the NBN Services in Operation Record Keeping and Reporting Rules (NBN SIO RKR) that are to be prepared in accordance with Schedule 1;
 - b) prepare accompanying explanatory material in accordance with Schedule 2; and
 - c) make those extracts and explanatory material available for inspection and purchase by the public by marking them as available for public disclosure and providing them to the ACCC:
 - i. each calendar quarter;
 - ii. within twenty eight calendar days of the end of the calendar quarter to which the extract relates, or if that day is not a business day in the State of New South Wales, from the business day next following; and
 - iii. in an open file format able to be read by Microsoft Excel.
2. This Direction expires when the NBN SIO RKR ceases to be in effect.

Interpretation

3. The following terms have the meaning set out in this clause:
 - a) **‘Listed POI’** means a POI that is set out in the document titled “Listed Points of Interconnection – NBN Corporation”, published by the ACCC on 2 November 2012.
 - b) **‘NBN Access Seeker Group’** means two or more Access Seekers which are acquiring Network Access Services and that are related to each other at the end of the relevant calendar quarter.

- c) **‘Network Access Service’** means each of the Existing Network Access Services and New Network Access Services included in the report NBN Co provides to the ACCC pursuant to the NBN SIO RKR in respect of the relevant calendar quarter.
- d) **‘Satellite Access Service’** means a Network Access Service supplied by NBN Co over Satellite.

A capitalised term used in this Direction that is also used in the NBN SIO RKR has the same meaning in this Direction as it does in the NBN SIO RKR.

Cristina Cifuentes

Commissioner

Date: 2018

Schedule 1 – Extracts from NBN Services in Operation Record Keeping and Reporting Rules (NBN SIO RKR) reports

NBN Co is to prepare the following tables by aggregating data points that are drawn from the reports it prepares pursuant to the NBN SIO RKR in accordance with the methodology contained in this schedule.

Table 1 Count of AVCs by Network Access Service, and by AVC traffic class and data transfer rate tier

This table is to provide as at the end of the calendar quarter for each Network Access Service by AVC traffic class:

- a) the count of the total number of AVCs; and
- b) the sub-count of AVCs for each data transfer rate 'tier'.

Table 2 Sum of contracted CVC capacity by state or territory and by CVC traffic class

This table is to provide as at the end of the calendar quarter the sum of contracted CVC capacity for each CVC traffic class by state or territory, including a count of total contracted CVC capacity for each CVC traffic class.

A CVC is to be allocated to each state or territory based upon the state or territory listed in respect of the CVC in the report NBN Co provides to the ACCC pursuant to the NBN SIO RKR for the relevant calendar quarter.

Table 3 Count of NBN Points of Interconnect (POIs) by count of NBN Access Seeker Groups present

This table is to provide as at the end of the calendar quarter:

- (a) the count of NBN POIs that are Listed POIs; and
- (b) the count of NBN POIs that are not Listed POIs, e.g. Temporary POIs,

that have a specified number of NBN Access Seeker Groups with contracted CVC capacity at the POI.

The specified number of NBN Access Seeker Groups to be included in the table is to range from zero to the number of Access Seeker Groups that are present at the NBN POI with the most NBN Access Seeker Groups present.

That is, this table is to record the number of NBN POIs without Access Seeker Groups present, followed by the number with 1 NBN Access Seeker Group present, followed by the number with 2 NBN Access Seeker Groups present, and so on, until the number of NBN Access Seeker Groups that are present at the NBN POI with the most NBN Access Seeker Groups is reached, and to do this for Listed POIs and POIs that are not Listed POIs, respectively.

Table 4 Count of TC-4 AVCs by Network Access Service and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of TC-4 AVCs by NBN Access Seeker Group for each relevant Network Access Service.

If the count of the TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 per cent of the total TC-4 AVCs for that Network Access Service as at the end of the calendar quarter, the count of TC-4 AVCs for that NBN Access Seeker Group for that

Network Access Service shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 per cent of the total TC-4 AVCs for that Network Access Service as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) for that Network Access Service shall be aggregated and reported in the table as a single line item that is titled 'Other Access Seekers'.

Table 5 Count of TC-4 AVCs by download data transfer rate and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of TC-4 AVCs by NBN Access Seeker Group and by download data transfer rate across all Network Access Services.

If the count of TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 per cent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 per cent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) shall be aggregated and reported in the table as a single line item that is titled 'Other Access Seekers'.

For the purpose of preparing this table, AVCs that are supplied with a data transfer rate tier that comprises a single specified download data transfer rate are to be aggregated with all other AVCs that are supplied with a data transfer rate tier with the same specified download data transfer rate, even if different upload data transfer rates may apply.

For the purpose of preparing this table, a data transfer rate tier that comprises a range of download data transfer rates is to be treated as though it comprised a single download data transfer rate that NBN offers on a data transfer rate tier. The single download data transfer rate selected is to be equal to the maximum of the range of download data transfer rates that are available on the relevant data transfer rate tier.

For instance, where NBN Co offers data transfer rate tiers on a Network Access Service with download data transfer rates of 12 Mbps, 25 Mbps, 25-50 Mbps and 25-100 Mbps; and offers data transfer rate tiers with download data transfer rates of 12 Mbps, 25 Mbps, 50 Mbps and 100 Mbps on another Network Access Service, the contracted download data transfer rate of the 25-50 Mbps data transfer rate tier is to be treated as though it was 50 Mbps, and the

contracted download data transfer rate tier of the 25-100 Mbps data transfer rate tier is to be treated as though it was 100 Mbps.

Table 6 Count of TC-4 AVCs by state or territory and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of total TC-4 AVCs by state or territory and by NBN Access Seeker Group across all Network Access Services, including a count of total TC-4 AVCs for each state or territory.

If the count of TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for that NBN Access Seeker Group shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) shall be aggregated and reported in the table as a single line item that is titled 'Other Access Seekers'.

An AVC that is supplied on a Network Access Service that is not a Satellite Access Service is to be allocated to a state or territory based upon the state or territory listed in respect of the AVC in the report NBN Co provides to the ACCC pursuant to the NBN SIO RKR for the relevant calendar.

An AVC that is supplied on a Satellite Access Service is not to be reported in this table.

Table 7 Count of TC-4 AVCs by metropolitan/regional designation and by NBN Access Seeker Group

This table is to provide as at the end of the calendar quarter the count of TC-4 AVCs by NBN Access Seeker Group and by metropolitan/regional designation across all Network Access Services.

If the count of TC-4 AVCs acquired by a NBN Access Seeker Group is equal to or more than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for that NBN Access Seeker Group shall be reported as a single line item that is titled by the name of the NBN Access Seeker Group.

If the count of TC-4 AVCs acquired by any NBN Access Seeker Group is less than 1 percent of the total TC-4 AVCs as at the end of the calendar quarter, the count of TC-4 AVCs for the relevant NBN Access Seeker Group(s) shall be aggregated and reported in the table as a single line item that is titled 'Other access seekers'.

An AVC that is supplied on a Satellite Access Service is to be designated as 'regional' in all cases.

If an AVC is supplied on a Network Access Service that is not a Satellite Access Service and is connected to a Listed POI, the AVC is to be designated as 'metropolitan', 'outer metropolitan' or 'regional' based upon the designation that is given to the POI in the

document titled “Listed Points of Interconnection – NBN Corporation”, published by the ACCC on 2 November 2012.

If an AVC is supplied on a Network Access Service that is not a Satellite Access Service and is connected to a POI that is not a listed POI, e.g. a Temporary POI, the AVC is to be designated as ‘non-Listed POI’.

Table 8 Count of AVCs, sum of contracted CVC capacity and count of NBN Access Seeker Groups by Listed POI

This table is to provide as at the end of the calendar quarter the count of AVCs and sum of contracted CVC capacity by traffic class across all Network Access Services for each Listed POI. This table will also include the count of NBN Access Seeker Groups with contracted CVC capacity at each Listed POI.

Specifically, for each Listed POI, the table will include the following information:

1. the state or territory in which the Listed POI is located;
2. the metropolitan/regional designation of the Listed POI based upon the designation that is given to the POI in the document titled “Listed Points of Interconnection – NBN Corporation”, published by the ACCC on 2 November 2012;
3. count of TC-1 AVCs for Network Access Services (not including the Wireless access service)
4. count of TC-1 AVCs for the Wireless access service
5. count of TC-2 AVCs for Network Access Services (not including the Wireless access service)
6. count of TC-2 AVCs for the Wireless access service
7. count of TC-4 AVCs for Network Access Services (not including the Wireless access service)
8. count of TC-4 AVCs for the Wireless access service
9. sum of contracted TC-1 CVC capacity
10. sum of contracted TC-2 CVC capacity
11. sum of contracted TC-4 CVC capacity
12. count of NBN Access Seeker Groups with contracted CVC capacity at the Listed POI

AVCs supplied on a Satellite Access Service are not to be reported in this table. An NBN Access Seeker Group with contracted CVC capacity on a Satellite Access Service only is not to be included in the count of NBN Access Seeker Groups with contracted CVC capacity at a Listed POI.

Schedule 2 – Explanatory material

The extracts may be accompanied by explanatory material that NBN Co considers relevant to explain the data that are presented in the extracts in the relevant calendar quarter. Such matters could include:

- a) that certain services have been excluded from a table in accordance with the methodology specified in the Direction, e.g. Satellite Access Services have been excluded from Table 6 in accordance with the methodology;
- b) the commencement or ceasing of supply of services over a Network Access Service, or services of different traffic class or data transfer rate tier;
- c) a significant change in NBN Co's commercial or operational arrangements that could reasonably be expected to influence demand for services supplied by NBN Co over one or more Network Access Services; and/or
- d) a glossary of terms used in the extracts.