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Mr Grahame O’Leary
Director
Regional Mobile Infrastructure Inquiry Mobiles
Transmission and Consumer Branch
Australian Competition and Consumer Commission
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Dear Mr O’Leary

Consultation – Regional Mobile Infrastructure Inquiry

Ergon Energy Network and Energex welcomes the opportunity to provide comment to the Australian Competition and Consumer Commission (ACCC) in response to its *Regional Mobile Infrastructure Inquiry Consultation Paper*.

Ergon Energy Network and Energex are subject to the access requirements of Schedule 3 of the *Telecommunications Act 1997* (Cth) (under which telecommunications carriers may install facilities that are low-impact facilities (or certain other facilities) on Ergon Energy Network and Energex land or structures).

Ergon Energy Network and Energex adhere to the requirements of the Telecommunications Act by entering into Facilities Access Agreements with Carriers wishing to co-locate onto utility owned assets. These agreements set out the functional, technical and commercial arrangements that both parties must adhere to during the term of the agreement. These agreements have functioned effectively in providing clear instructions to both parties on how to operate each business effectively and safely in and around third party assets co-located on Ergon Energy Network and Energex owned vertical assets. The commercial arrangements agreed to by both parties in these agreements serve to compensate the network for the additional costs incurred due to the presence of the third party co-located assets on the network, thus allowing the equipment to remain without the need to pass on any extra costs to consumers. To date these agreements have allowed the Ergon Energy and Energex networks to successfully facilitate and manage thousands of third party co-locations on and within Network owned assets.

Ergon Energy Network and Energex are concerned that any reduction in the legal, technical or functional requirements for third party carriers wishing to co-locate on Utility owned vertical infrastructure would increase the risk to public safety of the utility network, may increase costs incurred by the network in managing and operation the network with third party equipment attached and may decrease the operational efficiency of the utility network and potentially increasing the cost of providing electricity to consumers.

In relation to ACCC's request to understand the costs to providers of towers and associated infrastructure Ergon Energy Network and Energex offers the following comments:

- Pole change overs - Additional truck roll outs are required for pole changeovers with poles supporting third party equipment. In this scenario the Utility will place the new asset and transfer utility owned hardware to the new asset. The Utility will then have to wait up to 60 days for the Carrier to transfer their hardware to the new pole. Once the Carrier has completed this and reported to the Utility, the Utility will attend site a second time to retrieve the original defective pole. The costs incurred involve additional truck rollout, rescheduling of work crews and planning.
- Damage to utility assets caused by third party equipment - Overhead broadband cable is usually positioned below the lowest Utility conductor. The Carrier is responsible for ensuring that statutory clearances are maintained with their broadband cable, however occasionally the cable sags below allowable clearance and is contacted by vehicular traffic. This causes damage to network assets and has often resulted in poles being pulled over placing conductors in contact with the ground.
- Emergency situations - In the case where a Utility pole has been damaged by a vehicular impact and the pole also supports a third party antenna, the Utility must contact the Carrier to ensure that power is switched off to the equipment prior to repairs commencing. This causes delays to emergency repairs work and increases safety risk the public and utility workers involved in the repairs.
- Utility crews working around third party equipment - Carrier antennas emit Electro Magnetic Emissions (EME) which have the potential to cause damage to workers who approach within close proximity to these devices when active. In order to mitigate the risk to workers, several controls are required. EME exclusion zones – the Carrier must provide to the utility the EME exclusion zone radii for each antenna which is on or even in close proximity to the network. The Utility must ensure that any worker working near or within the exclusion zone is fully aware of it. The Utility provides special personal protective equipment for workers encroaching the exclusion zone as well as EME monitoring devices which alert workers when they are approaching EME. Another safety precaution for Utility workers when working around EME emitting devices is to call the carrier to switch off the device. Costs incurred are time taken to call Carriers to switch off equipment during scheduled or unscheduled maintenance and delays incurred by waiting for this to be done.
- Managing contractors and installation quality – Utilities are responsible for maintaining the safety of the vertical infrastructure through maintenance and ensuring that any worker approaching, or touching network assets is suitably qualified to do so. Carriers must also possess the appropriate qualifications to approach or touch network assets for the installation and maintenance of their equipment. The Utility bears the cost of management of these third party contractors and ensuring compliance with these requirements. Utilities often manage third party non-conformance with contractors attempting to approach the network without suitable qualifications. Utilities also bear the costs of auditing construction quality and adherence to approved construction drawings and standards. In the case of Utility owned telecommunication towers, not only must third party contractors possess the required training qualifications to enter the tower precinct, but the Utility will also be required to provide personnel to escort the workers into and around the tower infrastructure to ensure the personal safety of the third party worker, and security of the network asset.

- Costs incurred due to decreasing the life span of the network asset - Any third party installation on a Utility owned tower or pole imparts additional structural loadings onto that asset that it was not originally designed to support. This inherently reduces the life span of the network assets. Utilities must ensure that Carriers perform engineering design checks of the network asset to ensure structural capability to support the new loads (imparted by gravity, wind and dynamic loadings). If the asset is structurally incapable of supporting the new load, the Utility must manage the structural upgrade to the network owned asset. Costs are incurred by both the Carrier in fully funding the upgrade to the network asset and the Network asset owner in performing core 'make ready' work and managing contractors, access and the construction process and the offline time of the network asset during this construction.

Should ACCC require additional information or wish to discuss any aspect of this response, please contact Laura Males [REDACTED] or myself [REDACTED].

Yours sincerely

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Charmain Martin
Acting Manager Regulation

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