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To: Australian Competition and Consumer Commission

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**RE: NBN Co Modified Floor and Ceiling Proposal – Variation to the NBN Co Special Access Undertaking (SAU)**

The Internet Association of Australia Ltd (**IAA**) welcomes the opportunity to provide feedback to the Australian Competition and Consumer Commission (**ACCC**) on the Modified Floor and Ceiling Proposal (**Proposal**) provided by NBN Co in relation to its Special Access Undertaking. We appreciate further information provided about the material impact the proposed removal of the CVC pooling would have, particularly with regards to the 12 and 25 Mbps speed tiers.

We understand that the Proposal offers three options to implement the floor and ceiling model. As the implications of how each of these variants would affect an RSP depends heavily on the business' unique operations and customer base, and given our broad membership, we are unable to express support for any single option.

In general, we believe it will be most constructive to move forth so that NBN Co is quickly able to submit a new revised SAU that appropriately addresses all issues that has been raised throughout the entire SAU development process so that RSPs and end-users can receive the benefits that would be brought about by the new SAU.

IAA also echoes concerns raised during the July stakeholder meeting about the two consecutive price increases that RSPs (and thus end-users) would experience in quick succession in 2023/2024 due to the prolonged SAU development process. The SAU, if accepted, is unlikely to be implemented until at least December 2023 or potentially even as late as March 2024 and then a further increase will soon be introduced in July 2024, at the beginning of the new financial year.

As such, IAA recommends that NBN Co expedites its submission of the new SAU so that it can be considered as soon as possible. In addition, we also recommend that NBN Co addresses this double increase to mitigate its impact on RSPs and end-users in its new SAU proposal.

### Product Development Forum

We also use this opportunity to again raise the issue of stakeholders, such as peak industry bodies or associations like IAA, being excluded from consultations that are limited to access seekers, consumer advocacy groups and customers, usually via the Product Development Forum. As this has not yet been addressed in any further responses from NBN Co, we reiterate our concerns that limiting consultations to these groups do not accurately reflect the wide base of genuine stakeholders, notably smaller RSPs who do not have the resources to engage in these consultations. We urge NBN Co to make necessary adjustments to its consultative processes for the NNI, Low-Income Forum, Service Standards and any other relevant matters to include such bodies to ensure the full breadth of relevant stakeholders are being included in its consultations.

Once again, IAA appreciates the opportunity to respond to the Modified Floor and Ceiling Proposal provided by NBN Co. As NBN Co prepares to re-submit an updated SAU Variation to the ACCC in the near future, we sincerely hope to see a revised SAU that comprehensively reflects all feedback provided in the SAU development process thus far, and an overall fit-for-purpose framework that is capable of being accepted by the ACCC and will ensure the provision of the nbn that benefits all Australians.

## **ABOUT THE INTERNET ASSOCIATION OF AUSTRALIA**

The Internet Association of Australia (IAA) is a member-based association representing the Internet community. Founded in 1995, as the Western Australian Internet Association (WAIA), the Association changed its name in early 2016 to better reflect our national membership and growth.

Our members comprise industry professionals, corporations, and affiliate organisations. IAA provides a range of services and resources for members and supports the development of the Internet industry both within Australia and internationally. Providing technical services as well as social and professional development events, IAA aims to provide services and resources that our members need.

IX-Australia is a service provided by the Internet Association of Australia to Corporate and Affiliate members. It is the longest running carrier neutral Internet Exchange in Australia. Spanning six states and territories, IAA operates over 30 points of presence. Further, IAA operates the New Zealand Internet Exchange on behalf of NZIX Inc in New Zealand.

IAA is also a licenced telecommunications carrier and operates on a not-for-profit basis.

Yours faithfully,

Narelle Clark  
Chief Executive Officer  
Internet Association of Australia