



Submission in response to
ACCC Consultation Paper

**Proposed changes to the
NBN Service in Operation
Record Keeping Rules**

Public Version

November 2021

INTRODUCTION

1. Optus welcomes the opportunity to provide comments to the ACCC's review of the NBN Service In Operation Record Keeping and Reporting Rule (NBN SIO RKR).
2. The current review looks at making some changes to what is reported under the NBN SIO RKR and what is disclosed publicly. Optus generally supports increased reporting of NBN Co's enterprise and business services as it considers this will provide valuable transparency over developments in the enterprise market. It has been more than three years since Optus first raised as part of the ACCC's wholesale service standards inquiry that a record keeping and reporting regime may be useful to improve transparency and accountability over NBN Co's service performance.
3. While we support the ACCC collecting additional information, Optus does not support increased public disclosure of CVC data. Optus is concerned this information could be easily misinterpreted or that the focus then becomes on how much CVC is acquired – which could lead to costly and inefficient overprovisioning. Optus considers that most end-users care about the performance (or likely performance) of their services, and existing information requirements and new measures being implemented (such as dynamic service qualification) better meet those information needs.
4. Optus considers that more benefit would likely come from the ACCC pursuing its proposals to implement service performance monitoring for NBN Co. Optus supports the ACCC's ideas and has further feedback on these, including additional information/metrics that would assist in providing a more meaningful picture of real-world experience. Service performance monitoring regimes are common for essential service monopoly network providers and it is long overdue that greater transparency and accountability be applied to NBN Co's role in service performance.
5. While service quality monitoring will likely be considered as part of the SAU, there is already significant data available to NBN Co that would simply need to be extracted or collated differently to meet potential RKR requirements. It would also be simple to amend an RKR if changes needed to be made in light of the SAU processes (or if duplication arose). Optus submits the ACCC should not delay progressing its consideration of this issue. Greater transparency and accountability on NBN Co's service performance will assist the ACCC in its functions under Part XIB and XIC of the Competition and Consumer Act, provide visibility over factors that contribute to consumer experience which would ultimately be in the long term interests of end-users.

PERFORMANCE REPORTING PROMOTES TRANSPARENCY AND ACCOUNTABILITY

6. The ACCC's consultation paper describes a number of proposed changes to the NBN Services In Operation Record Keeping and Reporting Rules (NBN SIO RKR) regarding the information NBN Co must report to the ACCC and the related Disclosure Direction.
7. The changes proposed to the NBN SIO RKR are:
 - (a) Amend clause 13 of the NBN SIO RKR to require NBN Co to begin reporting a new product or service for which NBN Co has a published Standard Form Access Agreement within 90 days of the ACCC providing notification to NBN Co;
 - (b) CVC overage reporting, such as:
 - (i) Overage quantity (Mbps)
 - (ii) Overage amount payable (\$)
 - (iii) National ordered bandwidth, and
 - (iv) National included bandwidth;
 - (c) Requirements to report on Enterprise Ethernet Services (disaggregated by each access seeker into three class of service categories (low, medium, high) and by each speed tier; and
 - (d) Requirements to report on Business Satellite Services.
8. In addition, the ACCC proposes to disclose further information under the related Disclosure Direction, including:
 - (a) TC4 CVC acquired (to be disclosed for access seeker with >1% market share), such as:
 - (i) Total CVC capacity acquired per access seeker (or access seeker group) at the end of each quarter
 - (ii) Average CVC capacity acquired per access seeker across the quarter
 - (iii) Average CVC capacity acquired per access seeker during the last week of the quarter
 - (iv) Weekly national average CVC capacity acquired for each of the 13 weeks of each quarter.
 - (b) CVC utilisation data, such as:
 - (i) National average utilisation of week 13 (day and peak period)
 - (ii) Access seeker average utilisation of week 13 (day and peak period)
 - (iii) POI by POI average utilisation of week 13 (day and peak period) and

(iv) Weekly national average for each of the 13 weeks of each quarter.

9. The ACCC considers that these changes have benefits such as offering increased transparency (for example, over critical cost elements and CVC usage) and promote competition.
10. The ACCC is also considering introducing reporting requirements on NBN Co's service standards performance in relation to its supply of wholesale nbn services. Reporting metrics could include, for example:
 - (a) NBN Co's performance against service levels or performance objectives for the delivery of connections, faults and appointment attendance (which could be measured for all RSPs or disaggregated by location, service class and/or technology type)
 - (b) Network availability
 - (c) Number of customers impacted by planned/unplanned outages and the length of time that services were unavailable
 - (d) Number of delayed connections and failed connections on each network
 - (e) Number of different types of faults on each network, For example end-user faults, performance incidents and network activities (including percentage of time that series are not available and the number of services experiencing recurring performance incidents and end-user faults.
 - (f) Speed information for services on the fixed line, fixed wireless and satellite networks (e.g. line rate, information rate and achieved peak information rate (PIR), or average busy hour cell performance by upload and download throughput, list of priority forecast upgrade cells, congested cells and congested backhaul links).
 - (g) Wholesale rebates incurred by NBN Co under WBA4 for missed appointments, late and failed connections, unrectified faults and speed assurance, and
 - (h) Number of priority assistance customers.
11. The ACCC considers that this information could provide the ACCC with more effective oversight on the delivery of NBN wholesale services and the NBN wholesale market and that it could improve the ACCC's assessment of its various regulatory functions under both Part XIB and XIC. The ACCC is also interested in whether this could promote competition or improve transparency around the performance of the network.
12. Optus' comments are set out below.

Reporting on business products would improve transparency

13. The ACCC proposes that NBN Co be required to report on Enterprise Ethernet services and business satellite services.
14. Optus has previously supported the reporting of NBN Co's full suite of business products, including Enterprise Ethernet services, under the NBN SIO RKR.¹ As Optus has previously noted, NBN Co's business products are increasingly contributing a material component to NBN Co's revenue and it appears NBN Co could become the

¹ Optus, Submission in response to NBN SIO RKR consultation, 14 August 2020. Available at [Optus submission NBN SIO RKR 2020 extension_0.pdf \(acc.gov.au\)](#)

dominant wholesale network provider in the enterprise market. This could give rise to greater competition issues as NBN Co competes against other wholesale enterprise networks.

15. Additional data about the supply of wholesale enterprise services could assist the ACCC in assessing the level of competition in the market. It would also provide additional transparency on the state of the market and any claims made by providers about market share.
16. Therefore, Optus supports the proposed inclusion of Enterprise Ethernet services (by class of service and speed tier) and business satellite services under the reporting obligations in the NBN SIO RKR.

Proposed amendment to rule 13 regarding notification of new products

17. Optus has no specific comment on the proposed amendment to rule 13 regarding notification of new products.

Disclosure of CVC data would not promote competition

18. Optus notes the ACCC states that new reporting on CVC overage data would provide visibility of an important cost element. The ACCC also noted that “[g]iven its important to access seeker costs and product design, there may also be good reasons to publish overage data in some aggregate form in the NBN Wholesale Market Indicators Report.”²
19. The ACCC also proposes to amend the Disclosure Direction and publish additional CVC metrics, such as:
 - (a) TC4 CVC acquired (to be disclosed per access seeker for those with >1% market share):
 - (i) Total CVC capacity acquired per access seeker (or access seeker group) at the end of each quarter
 - (ii) Average CVC capacity acquired per access seeker across the quarter
 - (iii) Average CVC capacity acquired per access seeker during the last week of the quarter
 - (iv) Weekly national average CVC capacity acquired for each of the 13 weeks of each quarter.
 - (b) CVC utilisation data:
 - (i) National average utilisation of week 13 (day and peak period)
 - (ii) Access seeker average utilisation of week 13 (day and peak period)
 - (iii) POI by POI average utilisation of week 13 (day and peak period) and

² ACCC, Proposed changes to the NBN Services in Operation Record Keeping Rules – Consultation Paper, 20 October 2021, p. 8.

(iv) Weekly national average for each of the 13 weeks of each quarter.³

20. The ACCC considers publishing more detailed CVC acquired data s likely to improve transparency and aid in contextualising some of the CVC utilisation data the CCC proposes to publish. The ACCC considers that publishing the CVC utilisation data is likely to promote competition by providing other NBN access seekers and NBN end-users with information regarding NBN usage.
21. While Optus has no objections to the reporting of CVC overage data to the ACCC as it is a large cost element in supplying nbn services, Optus is concerned about proposed publication/disclosure of this information as part of the Wholesale Market Indicators Report. Optus is also concerned about the proposal to amend the Disclosure Direction to publish CVC acquisition data and CVC utilisation data and does not support the proposals to disclose more CVC data.
22. Optus does not support increased disclosure of CVC information because it is unlikely to promote competition and that, instead, it would most likely be misreported by media and misinterpreted by end-users who may then be misled about which RSP is 'best' or has better service performance.
23. While CVC is integral to service performance it is not the sole determining factor of service performance. Service performance can also be influenced by other factors and the amount of CVC an RSP has to purchase is influenced by other factors, such as customer usage and retail service speed tiers.
24. An RSP (RSP1) who sells more low speed tier retail nbn services and whose customers have lower usage most likely does not need to acquire and use as much CVC as another RSP (RSP2) who sells high speed tier plans and whose customers have high data usage. But that does not mean that RSP2 has 'better' service performance than RSP1 simply because it acquires and uses more CVC than RSP1. The usage data is not likely to add appropriate context to the acquisition data as RSPs will likely have varying mixes of small and large CVCs.
25. Our concern is that this data is quite technical and meaningless without the technical knowledge to understand it. In these circumstances it would be meaningless to most readers, or worse, be open to misinterpretation which could then give a false (ultimately misleading) impression as to an RSP's nbn service performance. This could also have broader implications if media reporting of this information gives the impression that RSPs with the highest CVC acquisition / usage have 'better' service performance, as such impressions could influence end-users' purchasing decisions. Optus does not consider that disclosing this CVC information would lead to better purchasing decisions by consumers.
26. Ultimately, if the information is published and is seen as a reflection of nbn service performance and influences end-users' purchasing decisions it could lead RSPs to consider they should acquire more CVC data, even if not needed from a service performance perspective. Overprovisioning CVC when this is not essential for improving service performance is inefficient and an unnecessary cost which could potentially lead to higher prices for end-users with no discernible performance benefit. This is not a good outcome.

³ ACCC, Proposed changes to the NBN Services in Operation Record Keeping Rules – Consultation Paper, 20 October 2021, pp. 11-12.

27. In addition, Optus does not consider that disclosing this information would promote competition. From an end-user's perspective, as stated, we consider this information meaningless at best and most likely misleading as to service performance. As such any influence on purchasing decisions may be limited, or worse, be based on a false understanding. This would not be beneficial to competition.
28. Optus considers the typical busy period speed information already required to be made available to customers and the Measuring Broadband Australia program are measures that are more likely to promote competition. In addition, implementing dynamic service qualification capabilities (currently underway in industry) will provide important information about line capability limitations – there seems little point in publishing CVC information if underlying line infrastructure continues to be problematic.
29. Optus also considers that there is unlikely to be any benefit to competition from other RSPs having visibility over this information, certainly not enough to outweigh the potential detrimental impacts from end-users and others misinterpreting this information. Most RSPs are probably able to deduce a rough idea of whether other RSPs are likely acquiring more or less CVC than themselves. However, other factors are more likely to drive retail competition, such as price changes, bundled features, their customer usage and changing consumer preferences. Publishing this data is unlikely to play a significant role in competition between RSPs and therefore would not outweigh the detrimental impacts that risk arising from others misinterpreting CVC data.

Performance reporting is essential for transparency and accountability

30. The ACCC is considering reporting on NBN Co's service standard commitments. This could include reporting on:
 - (a) NBN Co's performance against service levels or performance objectives for the delivery of connections, faults and appointment attendance (which could be measured for all RSPs or disaggregated by location, service class and/or technology type)
 - (b) Network availability
 - (c) Number of customers impacted by planned/unplanned outages and the length of time that services were unavailable
 - (d) Number of delayed connections and failed connections on each network
 - (e) Number of different types of faults on each network, For example end-user faults, performance incidents and network activities (including percentage of time that series are not available and the number of services experiencing recurring performance incidents and end-user faults.
 - (f) Speed information for services on the fixed line, fixed wireless and satellite networks (e.g. line rate, information rate and achieved peak information rate (PIR), or average busy hour cell performance by upload and download throughput, list of priority forecast upgrade cells, congested cells and congested backhaul links).
 - (g) Wholesale rebates incurred by NBN Co under WBA4 for missed appointments, late and failed connections, unrectified faults and speed assurance, and
 - (h) Number of priority assistance customers.
31. During the ACCC's NBN wholesale service standards inquiry, Optus repeatedly called for more independent and transparent oversight of NBN Co's service performance, such

as via a quality of service monitoring regime, to provide greater clarity over poor consumer experience issues.⁴

32. It is common for there to be quality of service monitoring regimes over essential service network providers, particularly where these providers are monopolies and do not face the same incentives as those in a competitive market to maintain service standards. Quality of service monitoring would provide transparency over performance, NBN Co's role in consumer experience issues and ensures accountability for a monopoly provider's role in service provision.
33. Optus is of course aware that the ACCC is considering some sort of quality of service monitoring as part of broader SAU commitments where it is expected there will be some linkages between price and quality of service. However, the SAU is not likely to be finalised until at least the end of CY2022.
34. Optus considers that notwithstanding the SAU process, there is a need for increased transparency over NBN Co's service level performance. Optus considers quality of service monitoring should have been explored as part of the ACCC's wholesale service standards inquiry in 2018 and it is disappointing it has taken so long for such an obvious measure to be considered when there was considerable scrutiny on consumer experience during peak migration to the NBN yet no visibility of the role NBN Co played in that consumer experience.
35. Optus does not consider that quality of service monitoring should be delayed until the SAU process is finalised. An RKR can be implemented now and can then be amended if needed once the SAU process is finalised and it is known what quality of service monitoring is needed for the SAU. Optus considers there is more benefit to be gained by increasing transparency and accountability regarding NBN Co's service performance sooner rather than later.
36. Current service level reporting provided by NBN Co to RSPs covers a wide range of reporting against various service levels and includes some of the matters identified by the ACCC (such as performance against connection, fault rectification and appointment keeping service levels). In many cases of the metrics proposed by the ACCC, NBN Co would already have the data available and has previously reported it to RSPs.
37. However, it is important that quality of service monitoring be meaningful and provide transparency of real-world experiences. Optus notes that the service levels and performance objectives in NBN Co's WBA Service Level Schedule have a number of conditions and exclusions attached to them, some of which could mean that service level reporting does not give truly transparent oversight of real-world experience.
38. Therefore, it would be critical that record keeping and reporting obligations be clearly defined, and regard had to how existing service levels and reporting under NBN Co's WBA are defined (or what exclusions may apply) to ensure the ACCC has transparent view of real world experience.

⁴ Optus, Submission in response to ACCC Discussion Paper NBN wholesale service standards, March 2018, p. 49. Optus Submission in response to ACCC Second Discussion Paper NBN wholesale service standards, March 2019, p. 8. Optus, Submission in response to ACCC Consultation Paper Inquiries into NBN access pricing and wholesale service standards, September 2020, pp. 8-9.

39. Optus has the following comments on the ACCC's proposed reporting metrics:

Proposed metric	Comment
<p>NBN Co's performance against service levels or performance objectives for the delivery of connections, faults and appointment attendance (which could be measured for all RSPs or disaggregated by location, service class and/or technology type)</p>	<p>Optus considers there is benefit to understanding how connections (including standard connections and accelerated connections) are performing even though peak rollout has passed. Optus considers it particularly important for there to be transparency over accelerated connections as accelerated connections were intended to support an RSP's retail CSG obligations. Therefore, it is critical that accelerated connections meet service levels.</p> <p>Optus also considers it important for there to be transparency over NBN Co's performance against the proportion of rescheduled appointments and rescheduled appointments that were kept⁵ to provide greater clarity of initial appointments kept. NBN Co already monitors this information and has it available.</p>
<p>Network availability</p>	<p>Optus notes NBN Co's Network Performance and Availability service levels report on the availability of NBN Co's network, excluding interruptions to connectivity for the following:</p> <ul style="list-style-type: none"> (a) Intentional interruptions to connectivity that do not reflect the resilience of the NBN network, such as planned outages and emergency outages; and (b) Failures that occur due to factors outside of NBN Co's control, such as Force Majeure Events.⁶ <p>Optus considers reporting on Network Availability with these exceptions could be quite meaningless and would not give an accurate indication of real-world customer experience. Optus considers that in reporting on network availability NBN Co should also be required to report on planned outages, emergency outages and unplanned outages (including where caused by Force Majeure Events or Mass Service Disruptions) to give a true indication of customer experience (for example, number of lines/LOCIDs impacted by planned/unplanned outages and the length of time the network was unavailable). NBN Co could provide additional explanation regarding force</p>

⁵ Clause 2.2(a), clause 11.2(a) Service Levels Schedule, Wholesale Broadband Agreement.

⁶ Clause 15, Service Levels Schedule, Wholesale Broadband Agreement.

	<p>majeure events or mass service disruptions that impacted network availability if it wished.</p>
<p>Number of customers impacted by planned/unplanned outages and the length of time that services were unavailable</p>	<p>See above comments on network availability reporting.</p> <p>Optus considers it important to have an understanding of planned and unplanned outages and the length of time services were unavailable to appreciate real world customer experience.</p>
<p>Number of delayed connections and failed connections on each network</p>	<p>When referring to a failed connection, Optus assumes the ACCC means the circumstances set out in the WBA for a failed connection rebate.⁷. Optus would support reporting on the number of failed connections and their rebates.</p> <p>It is not clear to Optus what is meant by delayed connection – that is, whether this is meant to mean connections that did not meet the connection service level or connections that did not occur within a certain timeframe beyond some other trigger point. As Optus noted in its submission to the ACCC’s wholesale service standards inquiry, there are a number of conditions, exclusions and exceptions attached to service levels (including connection service levels) that ‘stop the clock’. Just because a connection meets a service level, does not mean it occurred within consecutive business days.</p> <p>If the ACCC is looking for further transparency over connection performance metrics, it may wish to consider reporting on average calendar days (or business days) for connections (for those that met the service levels and those that did not), where there are different service levels for different technology service classes / geographic regions.</p>
<p>Speed information for services on the fixed line, fixed wireless and satellite networks (e.g. line rate, information rate and achieved peak information rate (PIR), or average busy hour cell performance by upload and download throughput, list of priority forecast upgrade cells, congested cells and congested backhaul links).</p>	<p>Optus supports reporting on speed information to provide transparency over the services received.</p> <p>Optus considers that NBN Co should also be required to report on congested HFC nodes (including nodes to be upgraded), as this is influenced by NBN Co’s network management and impacts end-user experience outside of an RSP’s control. This would provide transparency over technologies such as HFC where there have been known past congestion issues.</p>

⁷ Clause 1.5, Service Levels Schedule, Wholesale Broadband Agreement.

<p>Number of different types of faults on each network, for example end-user faults, performance incidents and network activities (including percentage of time that services are not available and the number of services experiencing recurring performance incidents and end-user faults.</p>	<p>Optus supports more detailed record keeping and reporting related to faults as proposed by the ACCC, including where services experience recurring faults or performance incidents.</p>
<p>Wholesale rebates incurred by NBN Co under WBA4 for missed appointments, late and failed connections, unrectified faults and speed assurance, and</p>	<p>Optus supports reporting on the amount and number of rebates paid under WBA4. For completeness, Optus considers this should include reporting against all wholesale rebates (number and amount paid):</p> <ul style="list-style-type: none"> • Service fault rebate • Service fault rebate (Priority Assist) • Fault restoration appointment same day rebate • Fault respiration appointment next or further day rebate • Second or subsequent missed fault restoration appointment • FTTN/B/C connection performance rebate • Wireless Speed Performance rebate • FTTB/N/C PIR Objective Rebate • Failed Connection Rebate • Missed Connection Rebate • Missed Connection Rebate Priority Assist • Missed connection appointment same day rebate • Missed connection appointment next or further day rebate • Second or subsequent missed connection appointment rebate

	<p>Where rebates are capped (for example the Missed Connection Rebate is capped at 30 Rebate Days, the Service Fault Rebate is capped at 60 Rebate Days) Optus considers it would provide increased transparency and incentive to address aged issues if there were additional metrics reported. For example:</p> <ul style="list-style-type: none"> • Number of instances where fully capped rebates were paid (for those rebates that are capped) for each rebate (e.g. Missed Connection Rebate; or Service Fault Rebate) • For these instances where the maximum capped rebate is paid, the number of calendar days taken to complete the activity (i.e. complete the connection or fault restoration). <p>This would provide further transparency over aged activities and ensure there are incentives for NBN Co to address activities when there is no longer a daily financial penalty being incurred.</p>
Number of priority assistance customers.	Optus has no specific comment on this proposed metric.

Additional metrics will improve performance oversight

40. Optus has additional metric suggestions the ACCC may wish to consider as part of these reporting requirements that Optus considers would enhance transparency and accountability and ensure reported data is more meaningful. These include:

Metric	Comment
<p>The number of rescheduled appointments.</p> <p>The number and/or percentage of rescheduled appointments that were kept.</p>	As noted above, Optus considers this provides improved transparency over initial appointment keeping performance and greater appointment keeping incentives overall.
<p>Number of connections that met the service level (and average calendar days to connect) – by service class / geographic region.</p> <p>Number of connections that missed the service level, (and average</p>	As noted above, Optus considers that such sort of data may be more meaningful when considering connection and fault service level performance to again provide transparency over real world customer experience.

<p>calendar days to connect) – by service class / geographic region.</p> <p>Number of end-user fault rectification that met the service level and average calendar days/hours to resolve.</p> <p>Number of end-user fault rectification that missed the service level and average calendar days/hours to resolve.</p>	
<p>Number of connections downgraded in service class after a connection order has been raised by an RSP</p>	<p>A key issue during the peak rollout is that NBN Co would downgrade a service class after an order was raised. This usually meant then that a longer service level applied for a lower service class. It contributes to longer actual connection timeframes that do not appear as a 'missed' service level and poor customer experience. Such a metric could provide additional transparency.</p>
<p>Speed information – congested HFC nodes</p>	<p>As noted above, Optus considers that NBN Co should also be required to report on congested HFC nodes (including nodes to be upgraded), as this is influenced by NBN Co's network management and impacts end-user experience outside of an RSP's control. This would provide transparency over HFC technology where there have been past congestion issues.</p>
<p>Number of instances where fully capped rebates were paid (for those rebates that are capped) for each rebate (e.g. Missed Connection Rebate; Service Fault Rebate etc)</p> <p>For these instances where the maximum capped rebate is paid, the number of calendar days taken to complete the activity (i.e. complete the connection or fault restoration).</p>	<p>As noted above, where rebates are capped, additional reporting related to those instances where the full rebate amount was paid out would provide further transparency over aged activities and ensure there are incentives for NBN Co to address activities where there is no longer a daily financial penalty being incurred.</p>
<p>Total number of active FTTB/N/C SIOs in co-existence (per month) (i.e. FTTN/B/C SIOs co-existing with legacy services. See definitions of Co-existence Period</p>	<p>Optus considers there needs to be greater transparency over co-existence as this has a significant impact on customer experience. Firstly, there may be an actual impact on nbn service performance as a result of co-existing (legacy) services and secondly, under the WBA, lower speed performance thresholds then apply for FTTN services,</p>

<p>and Co-existing Services in the WBA dictionary).</p> <p>Total number of FTTN/B/C SIOs in co-existence with a Line Rate of up to 12Mbps / 12-25Mbps / 25 – 50Mbps downstream.</p>	<p>which means that end-users and RSPs cannot raise fault tickets for speed underperformance. To date, even for RSPs there has been little transparency over SIOs affected by co-existence.</p>
<p>Total number of active SIOs (by fixed line technology) that cannot achieve download transmission rate of 50Mbps and upload transmission rate of 10Mbps (with sub-categories of SIOs in co-existence and SIOs not in co-existence).</p> <p>Total number of active SIOs (by fixed line technology) that cannot achieve download transmission rate of 25 Mbps (with sub-categories of SIOs in co-existence and SIOs not in co-existence).</p> <p>Total number of active SIOs (by fixed line technology) that cannot achieve download transmission rate of 12 Mbps (with sub-categories of SIOs in co-existence and SIOs not in co-existence).</p> <p>And the above data as a proportion (%) of total active fixed line nbn SIOs.</p>	<p>Optus considers there needs to be further transparency over underperforming services in general, including where lines are not affected by co-existence. This again goes to the real-world experience of end-users.</p> <p>This is also consistent with the performance targets set for NBN Co in section 360S of the Telecommunications Act.</p>
<p>Mass exemptions applied to service levels as a result of Force Majeure Events or Mass Service Disruptions</p>	<p>Optus considers it would be beneficial for NBN Co to have to report on mass exemptions to service levels as Telstra used to be required to do under its historical quality of service monitoring regime.</p>

41. For completeness, Optus refers to its previous submissions as part of the ACCC’s wholesale service standards inquiry, where it discusses concerns about the meaningfulness of NBN Co’s services levels where these service levels are subject to a number of conditions, exclusions and exceptions.

42. It is not clear from the ACCC's consultation paper how the ACCC intends to define the proposed record keeping and reporting obligations. In some instances the data already available to NBN Co under the WBA may be suitable for the ACCC's needs. This would allow for faster implementation of the RKR and could mean that transparency and accountability start in a more timely fashion. Optus trusts the ACCC will give careful consideration and explanation as to how terms are defined to ensure the RKR covers the appropriate information and provides a meaningful level of transparency.
43. Optus notes that record keeping and reporting can be a significant burden to companies, however, we consider it is critical for there to be meaningful transparency over NBN Co's service performance as the monopoly fixed line network service provider. Optus considers that extensive data is already available to NBN Co, it just may need to be extracted and filtered or collated differently. Optus considers that RKR obligations regarding wholesale rebates should not be affected by any SAU monitoring requirements.
44. Optus would urge the ACCC not to delay record keeping and reporting obligations on NBN Co's service performance to assist the ACCC in its regulatory activities under Parts XIB and XIC of the Competition and Consumer Act, improve transparency and accountability, which ultimately encourages better baseline service performance which is in the long term interests of end-users.