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## Submission in support of further variation to Migration Plan

### 1 Executive Summary

Telstra submits the following proposal to further vary the Migration Plan for the Australian Competition and Consumer Commission's (ACCC) approval (the **Further Varied Plan**).

The current version of the Migration Plan was previously approved by the ACCC on 6 February 2020 (the **Existing Plan**). This Further Varied Plan proposes amendments to the Existing Plan which are additional to the amendments proposed by Telstra in the Varied Plan submitted to the ACCC on 13 August 2021 (as amended on 20 August 2021).

Apart from the further amendments discussed below, all other amendments in the Varied Plan have been included unamended, given they have already been subject to consultation by the ACCC<sup>1</sup> and did not attract any feedback. This submission will not discuss those amendments.

From time to time, Telstra proposes amendments to its obligations within the Migration Plan to reflect changes to the migration process that are needed to ensure an efficient and effective migration of premises to the NBN network, and the associated disconnection of legacy copper and HFC services. Accordingly, these changes are arrived at in consultation with NBN Co.

This proposal seeks approval of the Further Varied Plan containing amendments to address the disconnection arrangements for Multi Dwelling Unit (MDU) Common Areas (MDUCAs) and certain legacy copper services being used to support fire alarms or lift phones that have been registered on NBN Co's Fire Alarm and Lift Phone Register (being **Extended Fire or Lift Services**).

Following the MDUCA Disconnection Date of 18 March 2022 proposed in the Varied Plan, the Further Varied Plan introduces an in-train order (ITO) arrangement. The further amendments proposed provide more time for customers with services located within MDUCAs to migrate them to an alternative network in light of the disruptions caused by COVID-19 in 2021. They also provide clarity to customers with services within MDU Common Areas or Extended Fire or Lift Services as to the revised timeframes and arrangements that will apply to the managed disconnection of these services. Amendments addressing Extended Fire or Lift Services were not previously included in the Varied Plan, although the nature of these services means that many of them are located within MDU Common Areas. The Further Varied Plan clarifies the process for the disconnection of Extended Fire or Lift Services, in particular addressing the circumstances where customers are migrating to an alternative network other than the NBN.<sup>2</sup>

This submission explains the amendments Telstra proposes be made in the Further Varied Plan and the reasons they should be approved by the ACCC. Telstra submits that the Further Varied Plan complies with the *Telecommunications (Migration Plan Principles) Determination 2015 (MPPs)* and promotes the objectives of minimising disruption to end users and promoting service continuity, to the extent this is in Telstra's control.

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<sup>1</sup> The ACCC's consultation, which was open until 21 October 2021 is at: <<https://www.accc.gov.au/regulated-infrastructure/communications/industry-reform/telstras-migration-plan/variation-request-submitted-0>>.

<sup>2</sup> The "Migration of monitored fire alarm and lift phone services good practice guide" recommends migration to an alternative network, to ensure continued service availability during power outages. Accessible online at: <[https://www.infrastructure.gov.au/sites/default/files/migration-monitored-fire-alarm-and-lift-phone-services-good-practice-guide\\_0.pdf](https://www.infrastructure.gov.au/sites/default/files/migration-monitored-fire-alarm-and-lift-phone-services-good-practice-guide_0.pdf)>.

## 2 Managed disconnection of MDU Common Areas and Extended Fire or Lift Services

### 2.1 Overview and supporting rationale

Telstra is proposing to amend the Existing Plan and the Varied Plan with regard to the managed disconnection of MDU Common Areas and certain fire alarm and lift phone services following feedback received by the ACCC from Retail Service Providers (**RSPs**), being Telstra Retail and Macquarie Telecom Group, in response to the Varied Plan.

In their submissions, both RSPs advised that they considered the timeframe for the disconnection of MDU Common Areas was not sufficient due to migration programs being disrupted due to unforeseen factors like COVID-19, which has delayed decision-making by end-users, prevented access to sites and has created a backlog of migration work across industry. Both RSPs specifically requested the introduction of an ITO arrangement to apply following the proposed MDUCA Disconnection Date on 18 March 2022.

In consultation with NBN Co, Telstra and NBN Co have agreed to implement the following revised disconnection arrangements in response to this feedback:

- The MDUCA Disconnection Date of 18 March 2022 proposed in the Varied Plan will remain in place. Notice of this date has been provided to Wholesale Customers and Retail Business Units for over 12 months, and RSPs have commenced providing disconnection notices to end-users based on this date. We therefore believe that maintaining this date is the best way to avoid end-customer confusion and to promote the efficient and timely migration of services off of Telstra's legacy network.
- The Further Varied Plan adds a new milestone for Premises located in a Rollout Region with a Disconnection Date prior to 18 March 2022, being the Extended Fire or Lift Disconnection Date. This is 18 March 2022, the same date as the MDUCA Disconnection Date. As there are many fire alarm and lift phone services located within MDU Common Areas, this allows for consistent treatment of fire alarm and lift phone services located within MDU Common Areas and for those located elsewhere.
- The MDUCA End Date of 55 Business Days after the MDUCA Disconnection Date proposed in the Varied Plan will remain in place. This means that MDU Common Areas which are subject to the 18 March 2022 Disconnection Date will be disconnected on or before 8 June 2022, if they do not have an ITO in place.
- The Further Varied Plan adds a similar milestone for Extended Fire or Lift services, being the Extended Fire or Lift End Date, which is 75 Business Days after the Extended Fire or Lift Disconnection Date. This means that Extended Fire or Lift Services which are subject to the 18 March 2022 Disconnection Date will be disconnected on or before 7 July 2022, if they do not have an ITO in place.
- ITO arrangements are introduced for certain Premises with an ITO in place, being MDU Common Areas and Extended Fire or Lift Services which are in each case located in a Rollout Region with a Disconnection Date for that Rollout Region that is before 18 March 2022. The practical effect of these arrangements is that where an order is placed to migrate a service at an MDU Common Area to the NBN or to migrate an Extended Fire or Lift Service to any alternative network to Telstra's legacy copper network within 40 Business Days of the MDUCA Disconnection Date and Extended Fire or Lift Disconnection Date of 18 March 2020, these services will not be subject to commencement of Managed Disconnection until 170 Business Days after 18 March 2022, i.e. until 22 November 2022.

The further proposed managed disconnection arrangements incorporated into the Further Varied Plan for MDU Common Areas (except Extended Fire or Lift Services located in MDU Common Areas) are

based on whether the MDU Common Areas are located in a Rollout Region with a Disconnection Date (**RRDD**) which is:

- **Prior to 18 March 2022** – in which case managed disconnection will occur in accordance with the same process which applied under the Varied Plan (see that submission for further details).

However, the Further Varied Plan introduces ITO arrangements for MDU Common Areas for which NBN Co has received an NBN Initial Connection Order or NBN Subsequent Connection Order by the date which is 40 Business Days after 18 March 2022, each an In-Train Order Premises.

For MDU Common Areas which are determined to be In-Train Order Premises:

- service disconnection will commence 170 Business Days after 18 March 2022 and, where practicable, complete disconnection of these services by the date that is 175 Business Days after 18 March 2022; and
  - permanent disconnection will then occur as soon as reasonably practicable after the date that is 175 Business Days after 18 March 2022.
- **On or after 18 March 2022** – in which case managed disconnection will occur in accordance with the same process which applied under the Varied Plan (see that submission for further details).

Telstra and NBN Co have also agreed to introduce arrangements for the managed disconnection of Extended Fire or Lift Services, being a fire alarm or lift phone service included on a register maintained by NBN Co (whether or not in a MDU Common Area) which is still active as at the Extended Fire or Lift Disconnection Date (such services being in a Rollout Region which is past its Disconnection Date). The proposed managed disconnection arrangements incorporated into the Further Varied Plan for Extended Fire or Lift Services are based on whether it is located in a Rollout Region where the Disconnection Date is:

- **Prior to 18 March 2022** – in which case managed disconnection will occur during the disconnection window immediately following 18 March 2022 (i.e. the Extended Fire or Lift Disconnection Date for the Premises). The key dates for services where the Extended Fire or Lift Disconnection Date is prior to 18 March 2022 are:
  - service disconnection to commence 70 Business Days following the Extended Fire or Lift Disconnection Date and complete within 75 Business Days (being the Extended Fire or Lift End Date); and
  - permanent disconnection will then occur as soon as reasonably practicable after the Extended Fire or Lift End Date.

The Further Varied Plan also introduces ITO arrangements for such Extended Fire or Lift Services for which:

- NBN Co has received an NBN Initial Connection Order or NBN Subsequent Connection Order; or
- appears on a list of Extended Fire or Lift Services in the process of migrating to a non-NBN network determined by NBN Co and Telstra (**Non-NBN Extended Fire or Lift Services**),

by the date which is 40 Business Days after 18 March 2022, each an In-Train Order Premises.

It is expected that many Extended Fire or Lift Services will be migrating to a non-NBN network (e.g. wireless or mobile). To promote service continuity, the Further Varied Plan therefore extends the benefit of the ITO arrangements for services migrating to a non-NBN network. For Non-NBN Extended Fire or Lift Services, Telstra and NBN Co will consult to determine a process for RSPs and other parties who may have registered an Extended Fire or Lift Service on NBN Co's Fire and Lift Register (such as Application Services Providers or end-users) to provide notice that the service is being migrated to a non-NBN network so that it can be added to the list of Premises that are Non-NBN Extended Fire or Lift Services. Telstra will prepare a further and updated list on the date which is 40 Business Days following the Extended Fire or Lift Disconnection Date and may continue to update the list as it considers appropriate.

For Extended Fire or Lift Services which are determined to be In-Train Order Premises:

- service disconnection will commence 170 Business Days after 18 March 2022 and, where practicable, complete disconnection of these services by the date that is 175 Business Days after 18 March 2022; and
  - permanent disconnection will then occur as soon as reasonably practicable after the date that is 175 Business Days after 18 March 2022.
- **On or after 18 March 2022** – in which case active services will be treated on an equivalent basis to standard services at ordinary Premises within the Rollout Region, therefore:
- the Disconnection Date for all outstanding fire alarm or lift phone services will be the RRDD; and
  - managed disconnection will apply as per the existing standard arrangements (Required Measure 2).

As per standard arrangements, there are no restrictions on MDU Common Areas or Extended Fire or Lift Services being disconnected at an earlier date in accordance with any Wholesale or Retail Customer initiated request.

## 2.2 Proposed further amendments to the Varied Plan

Relevant section of the Migration Plan	Proposed Amendment
Clause 1.4 MDU Common Areas and related Copper Services and HFC Services	Amendment at clause 1.4(e) to provide that the managed disconnection arrangements for MDU Common Areas are subject to ITO arrangements for MDU Common Areas (except Extended Fire or Lift Services whose disconnection arrangements are provided for under clause 15.5) located in a Rollout Region with a Disconnection Date before 18 March 2022.
Clause 15.1A Disconnection of In-Train Order Premises in Rollout Regions with Disconnection Dates between 1 January 2016 and 30 June 2022	Amend the existing definition of In-Train Order Premises in the Existing Plan to include orders received for MDU Common Areas or Extended Fire or Lift Services (including Non-NBN Extended Fire or Lift Services) where the Disconnection Date is prior to 18 March 2022.  The amendments include the timeframes for disconnection of MDU Common Areas or Extended Fire or Lift Services which are In-Train Order Premises.

<p>Clause 15.5 Disconnection of Premises with registered fire alarms and lift phones</p>	<p>Amend the arrangements within the Existing Plan to introduce new managed disconnection arrangements for Extended Fire or Lift Services (whether or not these services are in an MDU Common Area).</p> <p>This includes the insertion of new processes for determining Extended Fire or Lift Services and Non-NBN Extended Fire or Lift Services and the disconnection timeframes which will apply to the different categories of fire alarm or lift phone services.</p> <p>All other fire alarm or lift phone services included on a register maintained by NBN Co which are not Extended Fire or Lift Services will be disconnected in accordance with the normal procedures which apply to the Rollout Region in which they are located.</p>
<p>Schedule 10 – Dictionary</p>	<p>Inclusion of new defined terms, being Extended Fire or Lift Disconnection Date, Extended Fire or Lift End Date and Extended Fire or Lift Service.</p>

For ease of identification within the continued marked-up version of the Further Varied Plan, the above changes are in **green** outline.

### 2.3 Consistency with the MPPs

Telstra considers its proposal to amend the disconnection arrangements for MDU Common Areas and Extended Fire or Lift Services is consistent with the MPPs, particularly general principle 10 and specific principles 12 and 14.

General principle 10(1)(a) seeks to ensure disconnection processes are efficient and timely, which is why the disconnection arrangements have established a specific disconnection trigger date for Premises in a RRDD prior to 18 March 2022. Given general principle 10(1)(b) requires that, to the extent it is in Telstra's control, disconnection occurs in a way that minimises disruption to the supply of fixed-line carriage services, the Further Varied Plan includes a process for MDU Common Areas and Extended Fire or Lift Services to obtain the benefit of ITO arrangements.

Specific Principle 12 further requires the Migration Plan to include processes for disconnection of copper services in a Rollout Region following the RRDD. The Further Varied Plan makes clear the disconnection process for MDU Common Areas and Extended Fire or Lift Services located in a Rollout Region with a Disconnection Date before 18 March 2022. The Further Varied Plan also makes clear that all remaining MDU Common Areas and fire alarm or a lift phone services located in Rollout Regions where the Disconnection Date is on or after 18 March 2022 will be disconnected in accordance with the normal procedures.

Specific Principle 14 requires that services at an MDU Common Area within the Fixed Line Footprint are disconnected on or before the date that is the later of:

- 24 months after the End of the Rollout Date; and
- 20 Business Days after the disconnection date for the relevant Rollout Region.

The Further Varied Plan does not amend the disconnection date for MDU Common Areas, except for allowing MDU Common Areas to obtain the benefit of ITO arrangements. As such, we refer to our submissions for the Varied Plan with respect to this specific principle 14.