

23 January 2013

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Australian Competition and Consumer Commission
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Dear Shane,

Proposed Amendments to the Infrastructure Record Keeping Rules

This letter provides Optus' comments on the ACCC's proposed changes to the Infrastructure Record Keeping Rule (RKR). The ACCC has proposed three main changes to infrastructure RKR reporting which has been in place since 2007. These include:

- Details of infrastructure deployed over the past 12 months;
- Identification of asset ownership (including the status of infrastructure either leased or operated on behalf of third parties); and
- Details of infrastructure decommissioned as the NBN is progressively rolled out.

Optus' comments on each of the proposed changes are set out below.

Infrastructure deployed over the last year

The current RKR requires carriers to provide a snapshot report on infrastructure as at a particular point of time, i.e. 31 January of each year. Optus' record keeping system currently produces information in accordance with this requirement. Under the proposed changes to the RKR it is unclear as to whether the carriers will be required to separately identify infrastructure deployed and decommissioned during the course of any year, i.e. track the deployment throughout the year. If so, this will necessitate Optus having to undertake updates to its existing record keeping systems and processes to be able to comply with this requirement.

These costs are likely to be disproportionate to the benefit gained by the ACCC from the additional reporting. Optus considers that the current RKR reports provide the ACCC with sufficient information determine any infrastructure changes over a 12 month period. This can be achieved by simply comparing the reports provided over two consecutive reporting periods.

Ownership/lease/operation of infrastructure

Optus supports the proposed changes in the RKR that requires access providers to identify whether significant infrastructure assets are owned, leased or operated on behalf of a third party, e.g. by another carrier or carriage service provider.

Decommissioning of infrastructure

As NBN Co is rolling out services progressively, this is likely to result in disconnection of fixed line network infrastructure within the relevant NBN fibre footprint. The ACCC has indicated that it will find information on services decommissioned useful in helping it to determine the scope and timing of the roll-back of existing regulations in the transition to the NBN. However it remains unclear whether the reporting requirement will place obligation on industry to report on the individual services being withdrawn, as well as the infrastructure supporting the services. Optus considers that the RKR should be clarified to make it clear that information is only required in respect of the latter.

Should you have any questions regarding the information contained in this letter, please contact me on (02) 8082 6245 or by email.

Regards,



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