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**Australian
Competition &
Consumer
Commission**

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Dear Michael

**FANOC Pty Ltd Broadband Access Service special access undertaking:
request for further information**

Pursuant to section 152CBB of the *Trade Practices Act 1974*, the Australian Competition and Consumer Commission requests FANOC Pty Ltd to give the ACCC further information, as set out below, about FANOC's special access undertaking in relation to the Broadband Access Service given to the ACCC on 30 May 2007 under section 152CBA of the Act.

This request for further information relates to the service definition for the proposed Broadband Access Service to be provided to access-seekers under the Undertaking. The ACCC has also had the benefit of public submissions on the Undertaking, from Pipe Networks and Telstra which discuss, *inter alia*, this issue.

The following elements seem relevant to the specification of a future 'bitstream' access service over a fibre-to-the-node network:

- The nature of such a Layer 2 IP 'bitstream' access service
- Points of Interconnection
- Interconnection protocols for broadband, voice and, if applicable, video
- Building and facilities access for interconnection
- Prioritisation of packets
- How congestion in shared network elements is handled
- Equivalent treatment of access seekers in relation to jitter, delay and packet loss
- Interaction by access seekers with management systems, including:
 - Visibility to access seekers of information about service status; and
 - Ability of access seekers to set own customer privileges
- Ability to support multicasting and IPTV
- Fault detection, handling and rectification

- Notification periods for proposed changes to the network or service.

FANOC's Undertaking and supporting submission provide information on some aspects of the service. However, further detail is sought.

FANOC's supporting submission argues that given the length of time the Undertaking would be in place, it would not be reasonable to specify pre-defined services with defined technical parameters. Instead, clause 6 of the Undertaking provides a mechanism for FANOC in consultation with the BAS Manager to set non-price terms and conditions for BAS Products.

Without forming a view at this point as to whether this particular mechanism is reasonable, the ACCC recognises that over a 15-17 year period technology and the nature of service required by access-seekers may change, so that a mechanism for adjusting technical and operational service parameters may be needed.

However, it would seem that access-seekers are likely to need information about the initial BAS Products, before services commence.

Accordingly, the ACCC requests the following further and more detailed information from FANOC in relation to the initial BAS Products:

1. Please describe in further detail how points of interconnection will be chosen and where they are expected to be, in relation to local access switches and CCA locations (or other existing points of interconnect).
2. Please specify in further detail which protocols and options within the protocols will control interconnection of networks for broadband, voice and, if applicable, video. Alternatively, please provide the mechanism by which key protocols for initial BAS Products will be determined and published before services commence.
3. Please describe how terms and conditions will be developed for physical access for access-seekers to install their own equipment, within or at the buildings and facilities containing FANOC's points of interconnection.
4. Please describe in further detail how prioritisation of packets will be managed, if relevant.
5. Please describe in further detail how congestion will be managed.
6. How will all access-seekers be guaranteed equivalence of treatment (at a statistical level) in relation to: (a) jitter, (b) delay and (c) packet loss?
7. Please describe how operations support systems that support access-seeker visibility of management systems, and access-seeker control (if any) of customer privileges will interface with access-seekers.

8. How will the Broadband Access Service support access-seekers who wish to offer multicasting and IPTV services?
9. What period of notification will access-seekers be given about future proposed changes to: (a) the network itself; or (b) any of the above specifications of the Broadband Access Service?

The information should be forwarded in both hard copy and electronic form to:

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In accordance with paragraph 152CBC(6)(b) of the Act, a day (or part of a day) during which any part of this request remains unfulfilled, is disregarded in calculating the time during which the ACCC must make a decision about the Undertaking.

If you have any questions, please contact Anthony Wing on (03) 9290 1804.

Yours sincerely



Richard Home
Group General Manager (acting)
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