

TELSTRA CORPORATION LIMITED

Replacement Required Measure 4- Process for Telstra to Build Copper Paths at Premises which had been Permanently Disconnected, in order to Supply Special Services and Special Service Inputs to that Premises

Submission in support

[25] November 2015

Summary

We are pleased to submit a replacement Required Measure 4 “Process for Telstra to Build Copper Paths at Premises which had been Permanently Disconnected, in order to Supply Special Services and Special Service Inputs to that Premises” (**RM4**) to the Australian Competition and Consumer Commission (**ACCC**), Wholesale Customers and NBN Co for consultation. This replacement RM4 incorporates the changes required to the previous version of RM4 approved by the ACCC, to reflect the Government’s policy shift to a multi-technology mix (**MTM**) rollout for the National Broadband Network (**NBN**).

This submission explains the changes made in the replacement RM4 and sets out how it complies with the *Telecommunications (Migration Plan Principles) Determination 2015 (MPPs)*.

Background

Clause 22 of the Varied Migration Plan allows us to accept new orders for and continue to supply Direct Special Services and Special Service Inputs (as certified by Wholesale Customers) to a Premises that has been passed in a Rollout Region (including those Premises that have been Permanently Disconnected) up until the Disconnection Date for each Special Service Class. This enables us to build new copper paths at Premises that had previously been Permanently Disconnected, on receipt of a customer order, in order to supply a new Direct Special Service or Special Service Input. To give effect to these provisions, RM4 was developed to outline the processes required to build copper paths at Premises which had been Permanently Disconnected, in order to supply both Special Services and Special Service Inputs to that Premises.

Our processes for reconnecting a Premises that has been Permanently Disconnected to supply a Special Service or Special Service Input in the MTM environment have remained substantially the same. We have, wherever possible, sought to utilise existing processes to ensure stability in the transition to MTM arrangements and continue to promote equivalence in the processes used to build new Copper Paths, regardless of whether the order for a Direct Special Service has been received from a Retail Customer of ours or a Wholesale Customer (or is an order from a Wholesale Customer for ULLS as a Special Service Input).

However, the shift to the MTM rollout has necessitated us to accommodate some additional steps where we no longer control relevant infrastructure forming part of the Copper Network that is required to rebuild the Copper Path. For example, in Rollout Regions that will be serviced by FTTN/FTTB technologies in order to connect to the NBN, where ownership or control of the relevant copper infrastructure has been transferred to NBN Co (**Asset Transfer**), we will need to liaise with NBN Co to request NBN Co to supply us with adequate infrastructure to support the Special Service or Special Service Input. This means we will need to request a continuity licence and other relevant rights from NBN Co to make use of the relevant copper paths in order to supply the ordered Special Service/Special Service Input.

Therefore, in areas where Asset Transfer has taken place, our ability to supply a Special Service/Special Service Input is contingent on us being granted, and continuing to receive the benefit of a continuity licence from NBN Co and other rights to use the relevant copper paths. These changes have been reflected throughout the replacement RM4 and the processes for obtaining a continuity licence are specifically set out in Attachment A.

While making this substantive change to RM4 we have also taken the opportunity to streamline it and clarify some of the wording to make it easier to read and understand.

The changes in the replacement RM4 are summarised in the table below.

Development	Implications
Changes to reflect the processes associated with requesting and obtaining a	Where appropriate, we have amended some provisions in the body of RM4 to reflect the change in approach necessitated by the MTM approach to the NBN. The changes clarify the scenarios in

continuity licence and other relevant rights from NBN Co	which a Telstra's ability to supply a Special Service or Special Service Input is dependant on us obtaining and maintaining a continuity licence (and other relevant rights) from NBN Co.
Addition of clause 1.3 "Definitions"	We have added a definitions section to cover the associated new terms to facilitate understanding of new processes such as the transfer of Copper to NBN Co and obtaining a continuity licence from NBN Co (as required by the MTM approach). We have also sought to clarify the meaning of the network boundary point post Asset Transfer.
Reporting has remained the same, however it will be relocated to the Varied Migration Plan	Our obligations to report to the ACCC under RM4 will remain unchanged. We intend to relocate the reporting obligations into the one clause within the Migration Plan for ease of reference, after each of the Required Measures and Schedules that are to be replaced in accordance with clause 5 of the Varied Migration Plan have been accepted by the ACCC.
Consolidation of Direct Special Service processes in Attachment A	To avoid repetition, we have consolidated the ordering and provisioning processes for Direct Special Services outlined in Table 1 of Attachment A to include all three primary provisioning systems. Given that these processes are broadly similar and contain the same steps regardless of which primary provisioning system is used, we have taken the opportunity to reflect this with a more streamlined process table. This should assist the readability of RM4. The relevant system used for each process is set out in Table 1. As the process for provisioning ULLS as a Special Service Input is a stand-alone Wholesale service, we have maintained the description of this process separate to the process for building copper paths to supply Direct Special Services, which applies to Retail and Wholesale Customers.
MTM update to the processes outlined in Attachment A	As mentioned above, the steps involved in ordering and provisioning a Special Service Input or Special Service have remained substantially the same, however additional steps are required where Asset Transfer has taken place. We have incorporated these additional steps into the process tables in Attachment A.
Minor terminology changes	We have also taken the opportunity to update RM4 to reflect changes to defined terms already used in the Varied Migration Plan and name changes to certain positions within our organisation.

We believe that the changes we have made in this draft replacement RM4 accurately describe the processes required to build Copper Paths at a Premise that has been Permanently Disconnected in order to provide a Special Service or Special Service Input in the new MTM environment. Additionally, we anticipate that clarifications such as the definitions section and the consolidation of the provisioning processes for Direct Special Services help clarify and streamline this Required Measure.

Draft replacement RM4 is subject to consultation with and disallowance by the ACCC under clause 5.2 of the Varied Migration Plan. The ACCC:

- (a) may object to a replacement Required Measure if it is not compliant with the MPPs;
- (b) may not object to a replacement Required Measure if it is required by and consistent with a Standard Industry Process of or applicable generally accepted industry arrangement.

We believe the minimal changes to the draft replacement RM4, together with the approach taken in streamlining the ordering and provisioning processes for Direct Special Services reflect the need, where appropriate, for us to obtain a continuity licence and other relevant rights from NBN Co to supply Special Services and Special Service Inputs post Asset Transfer, maintain the Required Measures' alignment with the MPPs. Furthermore, we consider these changes are practical and provide clarity regarding the processes we will use for ordering and provisioning of these Special Services and Special Services in circumstances where control of the relevant copper infrastructure has been transferred to NBN Co.