



Submission in response to  
the ACCC consultation paper

**Draft Record Keeping  
Rule – NBN service  
quality and network  
performance**

Public Version

February 2024

## EXECUTIVE SUMMARY

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1. Optus welcomes the opportunity to comment on the ACCC's consultation paper about a proposed record keeping and reporting rule (RKR) for NBN Co's service quality and network performance.
2. Optus has long advocated increased and independent transparency over NBN Co's service quality and network performance and considers it appropriate to finalise the RKR consultation now that NBN Co's Special Access Undertaking (SAU) has been accepted.
3. Given service quality was a key focus of the SAU and an underlying principle of the SAU is that there should be a clear linkage between service quality and prices, increased transparency of service quality will benefit the long-term interests of end-users (LTIE).
4. More and better information about NBN Co's service quality and network performance will assist in the performance of activities under Part XIC of the CCA and NBN Co's SAU, including the making of replacement module determinations so that appropriate requirements can be included to address end-user experience issues. Therefore, the focus of the RKR should be about gaining as much meaningful information about actual end-user experience as possible.
5. In order to gain such transparency, the metrics reported on should use meaningful definitions – which may not be the definitions contained in the WBA or the SAU. For example, dropouts should be defined in a meaningful way (such as in relation to time as in the ACCC's MBA broadband monitoring program) and not as proposed in the RKR. Only then will it give a true picture of network performance and the customer's experience.
6. To gain clear pictures of customer experience there should be definitions and metrics referring to matters such as timeframes or loss of service – that is, the real-world factors that impact consumer experience.
7. Further, to ensure there is transparency over different technologies and geographic areas disaggregation may be necessary to ensure high level overall results do not inadvertently mask issues with one network technology type or in one area.
8. Optus supports the introduction of this proposed RKR on NBN Co's service quality and network performance to provide increased transparency and accountability over NBN Co's service quality and network performance. This information will assist the ACCC, industry and consumers in gaining a better understanding of NBN Co's service and network performance and be useful for future activities under the CCA.

## PROPOSED NBN SERVICE QUALITY RKR

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9. The ACCC has sought feedback on specific questions in relation to the proposed RKR. Optus' responses are set out below.

### **Are the aspects on service quality and network performance, the service level metrics and proposed data, including levels of disaggregation set out in the draft RKR appropriate for an RKR for NBN Co?**

10. Given service quality was a key focus of the SAU and an underlying principle of the SAU is that there should be a clear linkage between service quality and prices, increased transparency of service quality metrics will benefit the long-term interests of end-users.
11. The level of disaggregation is, in general appropriate to provide transparency over and compare end-user experience – for example, for end-users of different technology or in different localities. However, there are metrics where Optus considers more detail could provide greater transparency over actual customer experience and allow greater comparison across different technologies or geographic regions to ensure that an issue is not masked by a high-level overall result.
12. Optus' specific comments are set out below.

### Disaggregation in relation to stop the clock events

13. Optus notes the following metrics require reporting on stop the clock events: Metric 1 Standard Connections; Metric 2 Priority Assistance Connections; Metric 3 Accelerated Connections; Metric 7 Service Faults and Metric 8 Service Fault for Priority Assistance. However, this requires only reporting on the total number of stop the clock events for the Metric.
14. Optus submits that where the metric requires reporting for each service class (e.g. Metric 1), stop the clock events should be disaggregated by the service class for each subtotal. As such, it would be transparent for each service class in relevant geographic regions the number of services/events that were not subject to stop the clock events and the number of services/events that were subject to stop the clock events.
15. Optus also notes that reporting for connections (e.g. Metric 1) only requires reporting the average connection timeframe (which would appear to take into account stop the clock events and those connections that did not experience stop the clock events). Optus submits that average connection timeframes should be disaggregated to report on average connection timeframe for services without stop the clock events and average connection timeframes for services with stop the clock events. This would provide greater transparency over performance and customer experience for connections with/without stop the clock events.
16. Similarly, for fault rectification (Metric 7) only the total number of stop the clock events for each technology is proposed to be reported. Optus submits it would provide greater transparency if the subtotal number of events for each technology and each timeframe were reported with and without stop the clock events. Further it would provide greater transparency over fault rectification to report on timeframes for those events/services that were subject to stop the clock events, rather than just the volume of stop the clock events.
17. Optus notes that previously Telstra has been required to report timeframes with and without exemptions for service levels under SSU reporting. Optus considers the same approach to reporting should also apply to NBN Co to provide as much transparency

over real-world customer experience as possible, even where these stop the clock events may be out of NBN Co's control.

18. Optus also submits there should be further disaggregated reporting where stop the clock events occur because of force majeure events (further comments on specific force majeure reporting are included later in this submission).

#### Connection and Fault rectification Appointment keeping (Metric 6)

19. Optus submits the ACCC should consider requiring data to be reported on whether the end-user was in attendance or not. This provides a more complete picture of factors that may affect connection or fault rectification performance that is outside the RSP's and NBN Co's control.

#### Service Transfer timeframes (Metric 5)

20. Optus notes that NBN Co is required to report on service transfers in days (less than one business day or more than one business day). However, Service Transfers are automated logical connections that are done remotely and do not involve a technician appointment. These should typically be completed in a few minutes and in Optus' recent experience all service transfers are completed within one business day. Optus submits the RKR should require reporting in hours (e.g. 2 hours or less etc) to complete the service transfer which would provide more meaningful information on actual performance and customer experience than business days.

#### Planned outages and emergency outages (Metric 13)

21. NBN Co should be required to provide further information on outages. This includes total number of outages by technology / geographic area; how many of those were planned outages (where NBN Co provided notice to RSPs as per requirements in the WBA) and how many of these were unplanned outages (further disaggregation of this could include where unplanned outages were classed as emergency outages or not) in addition to the matters relating to outages already proposed in Metric 13.
22. This would provide increased transparency over outages on the NBN network and the number of these that are planned (where NBN Co has followed the notification requirements) and the number that are unplanned and number that are then defined as an emergency outage.

#### Speed reporting for FTTB services (Metric 14)

23. FTTB services do not seem to be referred to in relation to the speed reporting for Metric 14. It's unclear why FTTB services would not be reported on. We note that as FTTB services have slightly different PIR objectives in the WBA it would be helpful to have separate speed reporting for FTTB services.

#### Network Activity (Metric 18)

24. Optus submits this metric should provide separate reporting on copper-based and HFC services as the two technologies may have quite different experiences. This would ensure there is appropriate transparency to determine if there is a concern with works related to a particular technology type.
25. The RKR should also require NBN Co to report on the number of services who experienced an outage during the network activity designated period because of the network activity works to upgrade their line.

### FTTP progress (Metric 19)

26. Additional information for the FTTP Progress metric should be included to provide further transparency over customer experience. This should include speed reporting for those services (although Optus assumes that these services would be included in FTTP speed reporting in Metric 14 after they have been upgraded. In that case, it would provide further transparency to disaggregate speed reporting for FTTP services as it is a condition of upgrade programs for consumers to take up higher speed services which could influence overall results and make it appear as those consumers are voluntarily taking up higher speed tiers, when they must do in order to qualify for the technology upgrade).
27. Metric 19 should include reporting of the time taken to deliver upgrades to consumers on these programs. That is, the time taken from order placed to connection completed (for example, less than one week; 1-2 weeks; 2-4 weeks etc). Optus has concerns consumers may be experiencing connection delays in this programs and further reporting would provide transparency over consumer connection experience to ensure that NBN Co is delivering what it promises within a reasonable timeframe.

### Network Availability (Metric 22)

28. Optus submits that Network Availability data should be disaggregated by network technology and geographic area to highlight if there are availability issues with particular technology types or in particular areas that may not be apparent in general reporting. High level overall results may inadvertently mask if there are issues with one particular technology type or geographic area.

### **Should metrics for network activity and network availability be included in the RKR?**

29. Optus welcomes the inclusion of metrics for Network Availability and Network Activity in the RKR.
30. Optus supports requiring Network Availability to be reported with and without matters that can otherwise be excluded when considering Network Availability (e.g. planned outages, Force Majeure events etc). NBN Co has introduced many exemptions in the WBA for matters that are not taken into account when reporting on Network Availability therefore, it is important to have transparency over actual network availability for consumers.
31. Optus also supports reporting on Network Activity as those customers who are designated for network activity (remediation) have particularly poor performing lines and service experience. We are aware of some customers who have had extended delays for the network activity required for their service to be carried out. Optus considers transparency over the time taken for these activities to be completed is particularly important given the poor customer experience of these consumers.

### **Should any other metrics be included and if so what aspects of service quality and network performance should they cover?**

32. While Optus supports what is proposed in the RKR, Optus considers there could be some additional reporting provided that would give increased transparency over NBN Co's performance and customer experience. These aspects are set out below.

### Include detailed reporting on Force Majeure Events

33. Optus notes that there is no reporting on Force Majeure Events. Force Majeure Events are where a significant event occurs out of NBN Co's control that can affect the network and connection/restoration times and would mean that service levels don't usually apply. This is similar to the Mass Service Disruption events that Telstra calls for network disruption.
34. Optus considers it informative to understand how often NBN Co may call such events and other pertinent information about them. Optus submits the RKR should require reporting on Force Majeure Events including:
- (a) Approximately how many nbn services the Force Majeure Event covered and across which geographic region/s.
  - (b) The period of the Force Majeure Event, including the start date and expected end date of the Force Majeure Event.
  - (c) The main reason for the Force Majeure Event being called (e.g. natural disaster, power outage, third party network damage etc).
  - (d) The number of connections/faults/appointments during the relevant event where service levels did not apply due to the Force Majeure Event.

### The number of FTTN/B services subject to co-existence

35. The RKR should include reporting on FTTN/B services in co-existence as experience on those services could be affected by co-existence and those services are subject to lower service level standards (for example, lower PIR objective of only 12/1Mbps for TC-4 services) under the WBA than FTTN/B services not in co-existence.

### Reporting on Change of access technology (COAT) upgrade program

36. In parallel with NBN Co's fibre upgrade program, NBN Co has also instituted a change of access technology (COAT) program which, amongst other criteria, proactively identifies some underperforming copper lines in fibre upgrade areas and arranges for those services to be changed to FTTP via the Change of access technology program. NBN Co should be required to report on copper-based services that have been identified as underperforming and are being upgraded as part of the COAT program.

### **In the RKR we are generally using the definitions of key terms used by NBN Co in current Wholesale Broadband Agreements and/or NBN Co's Special Access Undertaking. Are there any issues in adopting this approach?**

37. Optus notes that simply adopting the definitions in the WBA and/or the SAU is unlikely to provide any additional transparency over NBN Co's performance.
38. Optus would welcome clarification in the RKR (either in definitions or the templates) about the timeframes to be measured. That is, it should be clear for each metric (connections or fault rectification etc) what triggers measuring of the timeframe and what will cease measuring the timeframe. For example, from time of order acceptance until connection completed advice; or from time of trouble ticket acceptance to completion advice etc.
39. Optus considers it acceptable for NBN Co to begin and cease measuring from the same triggers as it would under its service levels, however, the RKR must require reporting of the total time to give a meaningful view of consumers' real-world experience, rather than

what NBN Co would report against in relation to WBA service levels which is whether the service level was met and exclude measuring time where an exception or exemption occurred.

40. Optus has the following further comments on definitions.

'Adjusted' timeframes

41. Optus notes that some metrics (for example Metric 1) refer to an adjust timeframe (Metric 1 refers to an 'adjusted' connection timeframe). However, it's not clear how the timeframe has been adjusted or what this is referring to. This does not appear to be defined or explained in the RKR. Optus submits it should be clear either by inserting a definition or explaining in the template, what is meant when the RKR refers to 'adjusted' timeframes.

'Dropout'

42. The definition refers to an 'excluded event' or 'customer event', yet these additional terms are not defined and it's not clear which events are being referred to. Optus submits that dropout should also be defined similarly to the MBA program, which measures dropouts in relation to time. This would allow RSPs and consumers to understand the length of time of dropouts and how services (and therefore customer experience) are being impacted by dropouts.

'Outage', 'emergency outage' and 'planned outage'

43. There is no definition included in the RKR for outage. 'Outage', 'planned outage' and 'unplanned outage' / 'emergency outage' should not be defined as in the WBA as these definitions give discretion to NBN Co.
44. An 'outage' should be able to be independently determined by reference to loss of service or services not performing as they should for a specified period of time.
45. A 'planned outage' should be defined as an outage where NBN Co provided notification to RSPs, therefore RSPs were aware there would be impacted services.
46. An 'unplanned outage' should be defined as an outage where NBN Co did not provide notification to RSPs in accordance with the WBA.
47. An 'emergency outage' should be defined as an unplanned outage that NBN Co determined to be an emergency outage. This will provide transparency on if NBN Co classes all unplanned outages as emergency outages.

**Is quarterly reporting appropriate?**

48. Optus supports quarterly reporting.

**We are proposing that the RKR expire 5 years after commencement and that at or before that time the RKR may be reviewed by the ACCC. Is an expiration date of 5 years appropriate?**

49. Optus considers it appropriate for the RKR to be reviewed and updated in 5 years unless:
- (a) customer experience issues arise prior to that time that suggest the RKR should be reviewed and amended earlier to provide transparency and accountability over such issues; or

- (b) it becomes apparent during the replacement module process that information gained under the RKR on service quality and network performance is inadequate and better information will be needed for future replacement module determination processes, in which case the RKR should be reviewed and amended as soon as possible.