



Superfast Broadband Access Service and Local Bitstream Access Service Declaration Inquiry- Discussion Paper

Submission by the Australian Communications Consumer Action
Network to the ACCC

Friday 18th September 2020

About ACCAN

The Australian Communications Consumer Action Network (ACCAN) is the peak body that represents all consumers on communications issues including telecommunications, broadband and emerging new services. ACCAN provides a strong unified voice to industry and government as consumers work towards communications services that are trusted, inclusive and available for all.

Consumers need ACCAN to promote better consumer protection outcomes ensuring speedy responses to complaints and issues. ACCAN aims to empower consumers so that they are well informed and can make good choices about products and services. As a peak body, ACCAN will represent the views of its broad and diverse membership base to policy makers, government and industry to get better outcomes for all communications consumers.

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1. Executive Summary

ACCAN thanks the ACCC for the opportunity to comment on its inquiry on the Superfast Broadband Access Service (SBAS) and Local Bitstream Access Service (LBAS) declaration. ACCAN is supportive of the declarations as we consider that superfast broadband networks delivered through superfast broadband technology platforms are enduring bottlenecks. Without infrastructure competition or declaration, consumers are often restricted in the services, providers and prices due to the terms of the network.

We consider that the LBAS and SBAS declarations should be simplified into one instrument and extended to cover satellite and fixed wireless broadband. This would align the declaration instrument with Statutory Infrastructure Provider obligations and prevent any instances where a SIP may be able to restrict retailer choice and charge monopolistic prices.

The market has evolved but we do not consider there to be sufficient wholesale competition to ensure the long-term interests of end-users are protected. ACCAN hears anecdotally of the frustration felt by consumers on SBAS and LBAS networks. It is inequitable that consumers receive a different quality of internet access based on their location. So, whilst the market has developed in the last few years, we believe the need for declaration remains.

2. Service Description

ACCAN considers that the LBAS and SBAS service description requires updating to reflect recent changes in legislation. Furthermore, ACCAN sees merit in combining the instruments in order to reduce complexity within the regulatory system.

2.1 Do you consider that the LBAS service description as declared in 2012 remains current and appropriate? Please explain the reasons for your view.

In 2012, the ACCC sought to regulate the customer access network component of superfast telecommunications networks, called the local bitstream access service (LBAS) to differentiate it from other Layer 2 bitstream services. The ACCC specified that the service is a superfast carriage service as defined by section 125AC of the CCA which cross references to subsection 141(10) of the Telco Act.

ACCAN considers that the service description needs to be amended in order to be consistent with the Statutory Infrastructure Provider (SIP) obligations.¹ SIPs are expected to connect premises to a high speed fixed-line network. However, where it is not reasonable to do so, a SIP can connect premises to a high-speed fixed wireless or satellite broadband networks. SIPs must be able to supply retail services with peak download speeds of at least 25Mbps and peak upload speeds of at least 5 Mbps. ACCAN considers that if a wholesale network provider is the SIP for an area, then it should be subject to the declaration, regardless of the technology type.

Furthermore, the service description is no longer appropriate as high-speed broadband can be provided over alternative technologies than a fixed-line network. The fixed wireless and satellite networks can provide superfast broadband services with peak speeds of at least 25 Mbps download and 5 Mbps upload. Whilst the majority of SIPs will be operating on fixed-line networks, there may be some instances where the SIP connects a premise to a fixed wireless or satellite broadband network. The SIP in this area will likely be the monopoly provider of broadband and create a bottleneck for the downstream market. For this reason, it is necessary that the declaration reflects the key SIP obligations.

2.2. Do you consider that the SBAS service description as declared in 2016 remains current and appropriate? Please explain the reasons for your view.

In 2017 the ACCC declared a superfast broadband access service (SBAS) on all non-NBN pre-2011 superfast broadband networks. The declared service is a layer 2 fixed-line broadband service with a download data rate that is normally more than 25 megabits per second or a fibre access broadband service, such as that already supplied by Telstra on its fibre networks in the South Brisbane and Velocity estates. For reasons similar to the LBAS, the SBAS is also no longer current and should be changed to reflect SIP obligations.

¹ Department of Infrastructure, Transport, Regional Development and Communications (2020a). *Telecommunications Reform Package*. [https://www.communications.gov.au/what-we-do/internet/telecommunication-reform-package#:~:text=The%20Statutory%20Infrastructure%20Provider%20\(SIP\)%20obligations%20ensure%20that%20all%20Australian,broadband%20services%20on%20reasonable%20request](https://www.communications.gov.au/what-we-do/internet/telecommunication-reform-package#:~:text=The%20Statutory%20Infrastructure%20Provider%20(SIP)%20obligations%20ensure%20that%20all%20Australian,broadband%20services%20on%20reasonable%20request).

2.3. Should the LBAS and SBAS be combined under a single declaration instrument?

Combining the LBAS and SBAS into a single declaration instrument would be preferred as this would remove unnecessary complexity from the regulatory framework. We envisage the instrument to cover all superfast broadband networks (those capable of supplying 25Mbps download speed and 5Mbps upload speed) built, upgraded or altered both before and after 1 January 2011.

One instrument to capture all superfast broadband services supplied is preferred. However, this would not apply to services being supplied by NBN, services supplied or capable of being supplied using HFC that will be transferred to NBN or services to business customers, public bodies or charity customers in a central business district.

3. Telstra's South Brisbane and Velocity estates

3.1. Do you consider that Telstra's fibre networks in South Brisbane and Velocity estates should continue to be exempt from the requirement to provide a Layer 2 bitstream service?

Telstra has consistently stated that without costly modifications, the networks could not support the layer 2 bitstream services requirement.² This prevents Telstra from providing a service equivalent to that of the NBN.

In 2017, the ACCC noted that it was unlikely to allow the exemption from the requirement to provide a Layer 2 bitstream service and the other special arrangements applicable to the South Brisbane and Velocity estates to continue beyond the term of the FAD which is due to end in July 2021.³ The networks in the South Brisbane and Velocity estates are currently still owned by Telstra. The government has granted Telstra a further extension to the exemption from Part 8 of the Tel Act until the earlier of either 1st July 2022, or until 90 days following the completion date of system migration to a new owner of the network. In granting the exception the government requires Telstra to report to the ACCC and the Minister every six months on the transition of the network to a future owner.

ACCAN has engaged extensively with previous exemptions request by Telstra in relation to these networks. We have consistently expressed concerns regarding the network.⁴ We are aware of the consumer detriment and anti-competitive delivery of services brought about by Telstra being exempt from the usual regulatory checks. The consumer outcomes are clearly shown by the 40+ submissions from residents and small businesses to the Department of Infrastructure, Transport, Regional Development and Communications' consultation on Telstra's exemption requests.⁵ However, we also acknowledge the practicalities of upgrading the network to a layer 2 bitstream service. There is concern that if the network is not provided an exemption that there will be service disruptions to affected consumers.

Given the Minister's recent exemption,⁶ ACCAN considers that the exemption from the requirement to provide a Layer 2 bitstream should be granted until the 1st July 2022, or 90 days following the sale process. As Telstra is already reporting to the ACCC details of the network's transition to a new owner, we hope the increased regulatory oversight will create greater accountability and a strict timeframe in which the sale of the network occurs if the network is not going to be upgraded.

² Department of Infrastructure, Transport, Regional Development and Communications (2020b) *Consultation on Telstra request for extensions to Ministerial exemptions for its South Brisbane and Velocity networks* <https://www.communications.gov.au/have-your-say/consultation-telstra-request-extensions-ministerial-exemptions-its-south-brisbane-and-velocity>

³ ACCC (2017) *Superfast Broadband Access Service and Local Bitstream Access Service Final Access Determination joint inquiry. Final decision report.* <https://www.accc.gov.au/system/files/Final%20Report%20and%20Instruments%20-%20SBAS%20and%20LBAS%20FAD%20-%2026%20May%202017%20-%20Public%20copy.pdf>

⁴ ACCAN (2019) *Telstra's south Brisbane Velocity Network – time for change* <http://accan.org.au/our-work/1575-telstra-s-south-brisbane-velocity-network-time-for-change>

⁵ Department of Infrastructure, Transport, Regional Development and Communications (2020b).

⁶ Ibid.

4. Developments impacting the regulation and supply of superfast broadband services

4.1. How has the NBN affected network competition in high-speed broadband services markets?

ACCAN is aware of a few instances where NBN has affected network competition in high-speed broadband markets.

For example, NBN overbuilt TransACT's network in Canberra, which has since been acquired by iiNet. iiNet's network can deliver high speed broadband services, with all customers capable of at least 25 Mbps download speeds. NBN decided to overbuild this network with FTTN technology. Recently, iiNet installed VDSL2 electronics in selected locations, such that the network operates on a hybrid FTTN/FTTC mode. The performance of this depends on how far away the consumer's premises is from the location of the VDSL 2 electronics and the quality of the copper cabling.

To what extent this created network competition is debatable as the technologies used by iiNet's network and NBN are different, with NBN providing what is regarded as inferior technology. Consumers in Canberra now have a choice of two networks, where the networks' performance depends on multiple factors. Whilst the number of retail service providers on iiNet's network is limited, the threat from NBN ensures that retail service offerings remain competitive. If an end-user decides to receive a service over NBN, they have a greater choice of RSPs.

Lesser known instances where NBN has overbuilt superfast broadband networks are fixed wireless operators that provided internet access to regional Australians prior to NBN. NBN overbuilt many of these networks with its own infrastructure, with a mix of FTTN, FTTC, Fixed Wireless and Satellite technologies. In greenfield developments, NBN has overbuilt some private FTTP networks with its own FTTP infrastructure.

4.2. What is the extent of competition at the wholesale level of the superfast broadband services market, and what is the risk of competition not developing in the future?

Nationally, competition at the wholesale level of superfast broadband services is likely to remain poor. Economic and technical barriers to entry prevent multiple network providers from operating in the same service area and compete at a wholesale level. Generally, there is insufficient customer spending to sustain two rival networks. NBN's internal cross subsidy and the Regional Broadband Scheme highlights that delivery of broadband via one network operator is uncommercial in regional and rural areas.⁷ Where customer spending is not large enough to support two networks, this results in areas with localised monopolies with the ability to extract monopoly rents from consumers.

Wholesale competition may develop in the future with the amendment to the *Telecommunications Act 1997* which allows superfast fixed line broadband networks to operate on a functionally separated basis as opposed to a structurally separated basis. Additionally, small network operators are now exempt from the requirement to operate on a wholesale-only basis. Potentially these developments

⁷ Department of Infrastructure, Transport, Regional Development and Communications (2020) *The Regional Broadband Scheme*
<https://www.communications.gov.au/documents/regional-broadband-scheme>

could incentivise network operators to enter the market, and will create more competition at the wholesale level however we are unable to say whether it will be enough to overcome the barriers to entry which allow network operators to retain their position as natural monopolies. In areas with high costs and low density of consumers there is a heightened risk of competition not developing in the future.

4.3. Have the LBAS and SBAS declarations affected competition in the retail market for superfast broadband services?

The LBAS and SBAS declarations and FAD's purpose is to ensure the supply of services to access seekers on request and on terms which reflect the underlying efficient costs of providing superfast broadband access services. ACCAN believes that the LBAS and SBAS declarations have improved competition in the retail market for superfast broadband services. For example, in 2016 ACCAN noted that LBN, which is characterised as a LBAS had 9 RSPs retailing its products. Today, there are 30 RSPs retailing LBN services.⁸ Whilst this is only one example, other networks such as Opticomm currently supply services to 44 RSPs (note some of these are location specific).

However, consumers being served by LBAS and SBAS networks continue to experience fewer choices of retailers than those being served by the NBN. Consumers often feel frustration about not being able to access the range of offers available in the market, bundled plans, content and wide range of download and upload speeds which consumers on the NBN can access. So, whilst the LBAS and SBAS has likely improved competition in the retail market, ACCAN believes that there is still a lot to be done in ensuring that consumers on non-NBN networks receive a comparable service.

4.4. Are there geographic areas where competition at the wholesale or retail levels is considered to be effective, if so where are these areas and why is competition considered effective?

Wholesale competition

Effective wholesale competition would occur in areas where there is more than one network operator, allowing RSPs to choose which network operator to purchase services from. ACCAN considers that in the short term, the threat of entry is not sufficient to ensure network operators sell their products at competitive prices. In most urban residential areas, there is not enough customer spending to maintain two rival networks. Where there is a larger pool of customers, in higher density areas such as the CBD, multiple network operators can co-exist. Network duplication in multi-dwelling units may be more feasible due to lower cost of infrastructure compared to low density areas, although there remains the issue that the consumer spending is insufficient to support multiple networks.

Retail competition

Perfect competition is highly unlikely to be achieved in the fixed broadband retail market given the lack of homogenous products, information asymmetries and high transaction costs consumers face. ACCAN considers effective competition in this area to encompass a high level of retail choice, and for retail providers to not seek monopoly rents from end-users by selling at competitive prices.

ACCAN believes that the NBN footprint for fixed broadband provides a geographic area where competition at the retail level can be considered effective. As of August 2020, there were 180 retailers

⁸ LBN (2020) RSPs <https://www.lbnco.com.au/rsps/>

providing NBN services to residential consumers.⁹ It should be noted that some of these retailers do not service the whole of Australia, and some will be providing for fixed wireless and satellite technologies. Regardless, the majority consumers accessing the NBN have a plethora of choice when it comes to their retail provider compared to non-NBN networks. This results in retailers competing on price and non-price factors, such as high service levels or bundled products.

On alternative networks, there is significantly less choice of retail providers for consumers. As mentioned previously, some networks such as LBN and Opticom have over 30 retail providers buying their services. However, reviews and commentary available online appear to show that consumers on embedded networks continue to be dissatisfied with their service. Appendix 1 shows that many consumers are frustrated by the lack of choice and being forced to choose smaller less known retail providers.

4.5. Are there any particular barriers to entry impacting competition in the wholesale or retail markets for non-NBN superfast broadband services?

Retail barriers to entry

Many RSPs do not provide non-NBN broadband services. There are many barriers to entry in the retail markets for non-NBN broadband services. For instance, if there are differences in production costs, such as costly systems to engage with on non-NBN networks, an RSP may be prevented from accessing the service. Where the service characteristics of a non-NBN product differ significantly from the characteristics of services an RSP is already purchasing, it may not be feasible to retail the non-NBN product for marketing purposes. For example, an RSP that markets themselves on high speed services will not want to provide a service over a network only capable of reaching a maximum upload speed of 5Mbps. Furthermore, the smaller market size of non-NBN networks may reduce revenue to the point where it is no longer attractive to enter the market.

Telstra's South Brisbane network provides an example of where there is a total lack of retail competition. Despite Telstra claiming to have many RSPs on the network,¹⁰ ACCAN is aware of only two providers in which consumers in the area can buy internet services from- Telstra and Exetel.

Wholesale barriers to entry

There are significant economic and technological barriers to entry in the wholesale market. Unless there is an area with a particularly dense customer base, the cost of investment may be significant enough to prevent networks from entering a market.

4.6. Are there any capacity or availability constraints which might limit the ability of fixed and mobile wireless technologies to provide large numbers of end-users with a high-speed broadband service comparable to a fixed line service?

Optical fibre is regarded as having 'unlimited' capacity. When optical fibre isn't taken all the way to the end-user, the capacity of an alternative medium used reduces the greater the distance that must

⁹ <https://www.nbnco.com.au/residential/service-providers>

¹⁰ Telstra (2020) *Application for variation to the Telecommunications (Network Exemption – Telstra South Brisbane Network) Instrument 2012 and the Telecommunications (Network Exemption- Telstra specified Velocity Networks) Instrument 2012.* <https://www.communications.gov.au/have-your-say/consultation-telstra-request-extensions-ministerial-exemptions-its-south-brisbane-and-velocity>

be traversed. For wireless technology, it is possible to engineer any desired level of capacity by reducing the distance between the end of the fibre and the end-user, but the cost of this increases with the need to deploy optical fibre deeper into the network and operate more powered base stations at the end of the fibre. It will also be necessary to use higher frequencies with inherently shorter reach, for the signals in one cell to not interfere with those in a nearby cell.

Regarding 5G, for the technology to be used to provide a comprehensive alternative to NBN, the operator would be required to deploy a huge array of small cells, which is likely to be unsustainable unless the operator were capable of capturing a very dominant market share.

4.7. Are wireless broadband services (offered over mobile broadband, fixed wireless or satellite) substitutes for fixed line broadband services and if so, to what extent?

Wireless broadband services are increasingly becoming a substitute for fixed line broadband services by increasing speeds and data allowances. However wireless broadband services are substitutes for fixed line broadband services in a limited number of scenarios. The ability for wireless broadband services to be regarded as a reasonable substitute depends on coverage areas, usage needs and income.

Low usage users may find mobile broadband an appropriate substitute, particularly those on low incomes. Mobile networks offer a viable alternative to NBN's entry level products. However, this is not an option for families or individuals who require more consistent speeds or higher data volumes than typically available in the mobile environment. The COVID-19 pandemic has exacerbated the need for non-limiting data allowances.

In terms of service characteristics, 5G can be a substitute for fixed line broadband services as more unlimited data plans are becoming available. The cost of 5G mobile broadband has fallen,¹¹ whilst there are still cheaper NBN comparable services available, 5G is likely to be an attractive alternative to some consumers. However, 5G is currently only available in a limited geographic footprint. It is extremely unlikely that 5G will be ubiquitous across Australia, thus its capacity to offer a substitute for fixed line broadband is limited by its geographic reach. Similarly, whilst the fixed wireless plans now offer unlimited data at a competitive price, the ability of fixed wireless to offer an alternative to fixed line broadband is also limited by its geographic footprint.

¹¹ Optus sell a 5G service at \$70 with unlimited data <https://www.optus.com.au/broadband-nbn/5g-home-broadband/5g-home-broadband-plan#emailDetails> 50 Mbps speed guarantee. Whilst the cheapest 50 Mbps NBN service is \$60 a month with unlimited data.

5. Legislative and regulatory changes

5.1. Has the Industry Code alleviated competition concerns in the supply of VDSL services to buildings and should these services continue to be subject to the LBAS / SBAS declarations?

Often with very high-speed digital subscriber line technology (VDSL) there is the potential for loss of end-user service performance if there are multiple competing VDSL2 carriers in the same building. Communications Alliance developed the Next-generation Broadband Systems Deployment in Customer Cabling Industry Code (The Industry Code) with the purpose to optimise data rates and allow coming VDSL2 networks to compete.

The Industry Code allows incumbent carrier to operate exclusively in a building where the entry of a competing carrier would result in download rates falling below the required data rate threshold. Additionally, where the entry of a competing carrier results in the incumbent bearing an unacceptable cost the incumbent could continue to operate exclusively in the building.

The purpose of the Code is to resolve the conflicting goals of maximising competition between providers of infrastructure and maximising the speeds attainable. ACCAN is unable to provide an insight to whether the industry code has alleviated competition concerns in the supply of VDSL services as it will be more appropriately answered by industry.

5.2 Do the legislative changes regarding regulation and supply of superfast broadband services enhance or diminish the need for declaration of the LBAS and/or SBAS?

The legislative changes enhance the need for the declaration of the LBAS and SBAS.

Repeal of Part 7- contains the obligation on providers of superfast services to supply a Layer 2 bitstream service.

Part 7 of the Tel Act and associated provisions in the CCA have been repealed. Part 7 required affected providers to supply a Layer 2 bitstream service, following repeal access to specific wholesale services on superfast broadband networks will only be mandated if the services are declared by the ACCC. The repeal of part 7 significantly strengthens the need for declaration of the LBAS and SBAS.

Changes to Part 8: functional separations

Under the legislated changes to part 8, network operators will be able to voluntarily submit undertakings to the ACCC for approval so they may be able to supply services on a functionally separated basis. The ACCC can also provide a deemed undertaking in order to reduce the regulatory burden. The purpose of this change is to encourage infrastructure-based competition and provide greater commercial flexibility for superfast network operators. ACCAN believes that whilst infrastructure competition should be promoted, this creates a greater need for the LBAS and SBAS declarations in order to protect consumer interests. Encouraging new network operators to enter the market may result in islands of monopolies which, without sufficient regulation such as the LBAS and SBAS, could leave consumers little choice in retail provider whilst paying uncompetitive prices.

Class exemptions

The legislation permits the ACCC to exempt operators with a small retail customer base from the Part 8 structural or functional separation requirements. The exemption is limited to operators with fewer

than 2,000 retail residential customers on all fixed line networks however it can be increased up to 12,000 retail residential services. The class exemptions will allow small vertical monopolies to exist, which will have the incentive and ability to extract monopoly rents from access seekers and ultimately end users. This enhances the need to declare the service in order to promote the LTIE.

Again, this legislation was designed to facilitate further network investment by non-NBN carriers. Until the wholesale market for high speed broadband is competitive, the legislation creates a greater need for regulation. Increasing the number of network operators will not necessarily result in increasing levels of infrastructure competition as network providers may still have monopoly power due to their location. Whilst there may be certain geographic areas for network operators to compete, such as highly populated areas, there will continue to be places in Australia where it is uneconomical for new carriers to deploy duplicated fixed line networks. As long as these circumstances continue, access and price regulation will be necessary to protect the long-term interests of end users.

6. Other issues for this declaration inquiry

6.1. Do you consider that continued declaration of the: a) LBAS b) SBAS will promote competition and the economically efficient use of infrastructure? Please explain the reasons for your view.

ACCAN considers that the LBAS and SBAS declarations have promoted competition in the retail market. The LBAS and SBAS were declared to ensure supply of services to access seekers on request, encouraging competition at the retail level. The declarations help facilitate negotiations between access seekers and network operators, removing obstacles to end users receiving a higher choice of retailer. The ACCC declared the SBAS in 2016 on the grounds that the barriers to entry prevent multiple providers from deploying superfast broadband networks in the same area and compete in wholesale and retail markets. ACCAN considers the barriers to entry still exist, network operators continue to have the incentive and opportunity to seek monopoly rents from access seekers and by extension end users. Thus, the continuation of the declarations will promote competition and protect the LTIE.

Regarding the economically efficient use of infrastructure, ACCAN maintains that the LBAS and SBAS FAD's regulated pricing ensured that the structure and level of prices reflect the underlying cost of providing the service. By regulating the price, the monopolistic network operators will be incentivised to minimise costs in order to increase profit, promoting productive efficiency. Allocative efficiency will be encouraged as end-users will be able to make purchasing decisions regarding products which reflect the true cost of supplying broadband. Dynamic efficiency is unlikely to be influenced by the LBAS and SBAS.

6.2. Are the markets identified in the 2016 declaration decision still relevant for the SBAS? Are the identified markets also relevant for the LBAS?

ACCAN considers that the market for superfast broadband services of normally 25 Mbps or more with a monthly download limit of at least 50GBs should be extended to include the market for fixed wireless and satellite. This would ensure the declarations cover the markets served by Statutory Infrastructure Providers.

7. Coverage

7.1. If the ACCC were to continue the LBAS and/or SBAS declarations: a) Should the service description cover the services nationally, or be limited in geographic scope? b) Will carrier-specific exemptions promote the LTIE?

ACCAN considers that the service description should cover the services nationally. Additionally, carrier specific exemptions harm the LTIE. Exemptions to standard access obligations (SAOs) to SBAS providers supplying up to 12,000 end users means there are smaller network operators which are essentially allowed to charge monopolistic prices. ACCAN hears concerns from consumers on smaller networks, such as those in retirement villages, aged care facilities and caravan parks where the network provider is able to charge monopolistic prices whilst provisioning poor quality broadband and very limited choice of retailer.

8. Duration of declaration

8.1. What is an appropriate duration for potential LBAS and SBAS declarations? Please explain the reasons for your view.

If Telstra is to be given an exemption from providing a Layer 2 Bitstream as part of the LBAS and SBAS declaration, these arrangements should be considered in regard to the duration of the declaration. Additionally, given the rapid deployment of 5G, ACCAN considers a shorter declaration is warranted, such as 3 years. This will ensure a timely review of the declaration in the future in light of market developments.

9. Appendix

9.1. Consumer reviews of non-nbn networks from the last year

'The Connection drops out every other day. And the installation is horribly expensive, any internet companies with deals through them are expensive with no data. They make me want to move to a nbn area.'

'[I] Moved into a new estate, was asked to pay \$550 and was told that service will be active 1 week after I will move in. Guess what, 3 months no active connection and no compensation.... Finally, [I] got a connection and find out I cannot choose my own service provider. I have to use one from Opticomm service provider list which is \$20 more.'

'3 weeks ago they installed the box for free tv. Lost the signal [on the] 27/12/19. Tried to call but got put in a loop. They don't have support like most companies in their position would... Opticomm hold the monopoly in this area for fibre to the home and we are not allowed to put external antenna up. To get internet [I] have to use one of their preferred suppliers. [I] can't use Telstra or Vodafone.... Opticomm need to be held to account but don't know where to go for this. Very frustrating.'

'Service is unreliable, drops out for no reason.... The digital tv connection was so bad we gave up and got an antenna installed and have had perfect reception ever since. We would not be using this incompetent company but for the fact that they have the monopoly on the lines in our suburb.'

'When I moved into the house I built I found out I was forced to use Opticomm, no choices here it was either that or no internet, which means the big companies are not an option and I have to choose from a handful of small unreliable companies. Not only that but the prices are all about 20% dearer because I have to go through Opticomm. Around 9 pm every night my internet slows to a crawl and slowly becomes completely unusable until around 7 in the morning. Avoid this company if you can, some estates (like mine) you are forced to use this pathetic company, so best of luck.'

'Opticomm service in our region has failed again. No internet. No tv. Nothing. I and others have tried calling their contact number but there is no afterhours support... This is after it took 4 months to get connected due to incompetent installer.... When the only way you can get internet/tv is via them, they can afford to treat their customers like rubbish. We will never buy a house in an area operated by Opticomm ever again.'

'2 Mbps during peak times, [I am] barely able to make voice calls through my network. I have paid for techs to come out and test the line and they can find no fault, they advise that the LBNCo is known the throttle connection speeds because they infrastructure cannot support the demand. They also charge a higher rate than the NBN providers and all support is offshore for the ISPs on the LBNCo network.'

'I never heard of this company before I moved into a new apartment which already had them installed. I thought it'd be the same as NBN, but the plans are so much expensive and very few vendor choices. The Speeds are awfully inconsistent with many drops. Honestly if I had an option of getting NBN, I would switch from this company as soon as possible.'

'None of the main ISPs are available on LBNCo and the ones you can choose from is almost always \$10 a month more than similar plans on NBN...'

'When I moved to my new apartment, you have no choice but to use LBNco cos it seems that they have signed an exclusive contract with the developer and there's no NBN equipment in the building. So I had no choice but to found an ISP in its list (basically some names you never heard of). At the beginning the speed was OK cos it's a new apartment and basically im the first 10 people moved in. from February with more and more people moved in, the speed became horrible at peak hours.'

'I had an LBN 100 plan which they claimed that the typical evening speed should be 78 Mbps and now its only 2 Mbps download speed... it seems that LBNCo has limited the download speed cos they don't have enough bandwidth for those apartments.'

'I contact my ISP provider lots of times... but as they said they contact LBNCO every day and they are totally in their hands. I tried to contact [LBN Co] myself but they don't even have a public email address.'

'monopoly. There is a very limited list of retailers that you can choose on this network, just a bunch of nobody retailers. The internet speed is very ropey, sometimes good, but bad at the evening. Video calls drop, making it hard to work from home. ACCC should step in, this should not be allowed.'

'I have had no internet for the past 3 weeks and this hideous company keeps flicking the problem back to the provider.... The provider has been attempting to resolve this with LBN but to no avail. I work in mental health support and rely heavily on my internet connection. Because this is an embedded service (how is this even legal???) the entire building is stuck with LBN. Woeful'