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Re: Audit of Telecommunications Infrastructure Assets – Record Keeping Rules Consultation paper

ACCAN thanks the ACCC for the opportunity to provide our views on the proposed amendments to the Audit of Telecommunications Infrastructure Assets – Record Keeping Rules (the Rules). The Rules require carriers and carriage service providers to keep records on the locations of their core network and customer access network (CAN) infrastructure and provide reports of those records to the ACCC to assist in its investigations of anticompetitive conduct in telecommunications markets. The Rules are an important tool in regulating telecommunications markets and services.

ACCAN is supportive of the amendments to the Rules as we see a need to ensure the Rules are kept up to date with developments in the industry as well making certain that the information provided is of value to the ACCC's functions.

Updating the list of reporting entities (Record-keepers)

1) Is it appropriate to include Aussie Broadband, DGtek, FibreconX, Leading Edge and Springfield City Group in the list of record-keepers set out in Part 1 to Schedule 1 to the Rules?

ACCAN supports including the above providers in the list of record-keepers set out in Part 1 to Schedule 1 of the Rules. Doing so will allow the ACCC to build a fuller picture of which entities own and operate infrastructure, and where that infrastructure is located. This will ultimately aid in the decision making process for access regulation such as the Superfast Broadband Access Service declaration inquiries.

2) Are there other providers that should be included in the list of record-keepers? Are there any record-keepers that should be removed from the list at Schedule 1?

The ACCC should consider including Field Solutions Group in the list of record-keepers given their plans to become the fourth mobile network in Australia and have received funding from the Federal Government through the Mobile Black Spot Program and the Regional Connectivity Program to do so.¹

¹ <https://fieldsolutions-group.com/press-releases/>

Additionally, the ACCC should take steps to ensure the Rules will continue to capture all of Telstra's infrastructure given its recent restructure.

Furthermore, there are a number of Statutory Infrastructure Providers (SIPs) which are not listed as record-keepers, including Advatel Wireless, CipherTel, CNTCorp, CommSol Holdings, Fibre Asset Management, Frontier Networks, Interphone, Lynham Networks, OMNIconnect, PIPE Networks, Real World Networks, Reddenet and Australian Communications Group.² Whilst the SIPs are required to provide mapping information to the ACMA for each of their service areas they are not required to provide information such as the location of the end-users' equipment. The addition of the previously mentioned networks would aid the ACCC in its regulatory functions under the Competition and Consumer Act 2021 (CCA) and relevant telecommunications legislation.

3) Should satellite service providers be included in the list of record-keepers? If so, which providers should be included?

ACCAN considers that there is merit in including satellite service providers in the list of record-keepers. Currently there are well established satellite service providers, such as Optus, that are providing voice and data services. It would be helpful to know to what extent these services provide an alternative to NBN Satellite services. Moreover, as Low Earth Orbit (LEO) satellites become more widely available it's important that the ACCC has oversight of where end-users are located in order to assess the level of competition between network providers. Until LEO services are ubiquitous, the location of where the services are located, and where they create competition for incumbents is important. For example, as of June 2021, only areas in the south-east corner of the Australian mainland had Starlink's satellite service available to them.³ Additionally ACCAN understands that there is a limit to the number of Starlink users in a particular area.⁴ Unless data is collected from satellite operators it will be difficult to ascertain whether the service provides sufficient competition to consider adjustments in access regimes.

ACCAN considers that at this stage Starlink should be added to the list of record-keepers as they appear to be the only operator currently serving residential customers other than NBN Co. The Rules may have to be amended in coming years as more entrants enter the Australian market.

Reporting on CAN infrastructure at end-users' premises

4) Should relevant record-keepers be required to provide information on the location of equipment on the end-user side of the CAN? Are the proposed amendments to the RKR appropriate to achieve this?

ACCAN supports the proposal to include information on the location of equipment at the customer end of a customer access network. This will better reflect the end-user experience and provide the ACCC greater understanding of the level of competition between different access technologies and providers. Based on our understanding, the proposed amendments to the Rules appear to be appropriate.

² <https://www.acma.gov.au/sip-register>

³ <https://birraus.com/starlink-in-australia/>

⁴ <https://mashable.com/article/spacex-starlink-nationwide-rollout>

Changes to the information to be reported by mobile operators

5) Do you have any comments on the requirement for relevant record-keepers to provide a single coverage map for each mobile technology in operation?

ACCAN supports the ACCC's proposal for the requirement of coverage maps to encompass an MNO's full coverage footprint for each technology type (e.g. 3G/4G/5G). Currently MNOs provide coverage maps by frequency band operating on each technology type. Receiving the information by frequency band has proven technically difficult for the ACCC to combine into coverage maps that provide full coverage footprints by technology type, yet it is important that the ACCC receive clear and useful information on the level of coverage provided by each technology type.

We also consider that the ACCC should seek information on the detail of MNVO coverage, both the extent of the coverage and the type of coverage available. This would provide a better picture to what extent consumers have retail choice in different areas of Australia.

6) Do you have any comments on the requirement for relevant record-keepers to report both outdoor and external-antenna mobile coverage? Are the definitions of outdoor coverage and external-antenna coverage in the draft Rules at Attachment A correct?

It is important that there is consistency in the standard of coverage in coverage maps reported to the ACCC, otherwise the ability of the ACCC to compare between providers will be undermined. It is ACCAN's preference that all coverage maps reflect outdoor coverage (regular street-level coverage able to be reached by a standard handheld device), as this would provide a better picture of the average end-user experience. That said, where MNOs provide external antenna coverage (the extended reach of a mobile network where an external antenna is utilised) in addition to the outdoor coverage, then they should clearly identify where they have done so.

7) Should record-keepers be required to report on the assumptions they use to calculate coverage for mobile networks? If not, why not?

From a consumer perspective, there is a need to improve mobile coverage maps currently available. ACCAN considers that MNOs should be required to use standardised assumptions to predict coverage. Currently coverage maps available to consumers are difficult to navigate and are not always accurate. The ACCC should publish information on mobile coverage maps, alongside consumer-facing information which explains the assumptions used to predict the maps in a clear and not overly technical way. This would help better manage consumer expectations regarding the level of coverage they can expect from different mobile providers and facilitate competition.

8) Do you have any comments on the requirement for relevant record-keepers to report the type of cell operating at each mobile site? Is the cell-type classification proposed in the draft adequate?

ACCAN understands that one of the intended purposes of the Rules is to provide the ACCC with oversight into MNO investment decisions. Since including information on cell type will help the ACCC understand the level of investment over time, it should be a requirement under the Rules. ACCAN envisions information such as this will be useful in evaluating past decisions – such as the decision on domestic mobile roaming, and future decisions – for example where advice is sought regarding spectrum allocation limits.

Level of aggregation and further description of infrastructure reported

9) Should record-keepers be required to provide one individual file representing the national geographic extent of their networks? Are the proposed amendments to the RKR appropriate to achieve this?

If requiring record-keepers to provide one individual file representing the national geographic extent of their networks is feasible and more useful to the ACCC, then ACCAN supports the requirement.

10) Are the proposed amendments to Rule 7 adequate to ensure a comprehensive interpretation of maps provided under the Rules?

The proposed amendments to Rule 7 are adequate to ensure a comprehensive interpretation of maps provided under the Rules.

Changes in the methodology used in preparing reports

11) Are the proposed amendments to rule 8 adequate to ensure that changes in methodology are not misinterpreted by the ACCC?

It is important that the ACCC can distinguish between genuine changes in infrastructure assets and changes which appear due to year-to-year variation of reporting methods. The proposed amendments to rule 8 appear adequate to ensure that changes in methodology are not misinterpreted by the ACCC. The ACCC could consider requiring record-keepers to provide a brief explanation for any change to methodology or assumptions to ensure that variations are legitimate.