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Via email: broadbandperformance@accc.gov.au

ACCAN would like to thank the ACCC for the opportunity to contribute to its information request on broadband speed claims. Broadband speed claims and performance is an area that not only creates confusion but is causing a significant number of complaints and dissatisfaction for consumers.[1] [2] The principles and guidance proposed by the ACCC are welcomed and needed. They have the potential to significantly improve consumers' purchasing ability and satisfaction of broadband services.

ACCAN appreciates that there is a balance between limiting the cost of performance measuring while maximising the relevance of the information to the consumer. The availability of typical busy period speeds of services has the potential to empower and inform consumers. However, if the measurement is too generalised it may reflect very little on what any individual consumer can expect to receive at their location. On the other hand, if RSPs provide detailed measurements and information at each individual level, it may become excessive in cost and in extreme circumstances add further confusion due to the number of varying plans.

ACCAN is supportive of the approach taken by the ACCC in these guidelines and believes that the principles provide   sufficient guidance to encourage the behaviour and transparency required, while balancing the flexibility needed for individual providers.

Below we have provided input to the areas where further information was requested.

Information requested

1. Busy period measure

    a. ACCAN supports the use of 7-10pm as the busy hour period. However, we are also not opposed to a different window being used, as long as the typical peak usage period is included. ACCAN does not have access to direct measurements of RSP networks; however, consumers report to us that an extended window of approximately 3pm-11pm is where congestion and poor performance is often observed.

    Consumers need to be able to relate any advertised performance to the likely performance they will see in their own locality. Thus the measured performance needs

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[1] ACCAN, Broadband Performance and Consumer Decision Making. https://accan.org.au/our-work/research/1159-broadband-performance-consumer-decision-making
[2] As seen in the complaints to the Telecommunications Industry Ombudsman

to be measured and communicated in a way that reflects the consumer's own time zone.

2. 'end to end' measure

   a. ACCAN agrees with the ACCC consideration: 'the speed should be measured from the modem in the consumer premise to a domestic data exchange at which RSPs access most popular internet content and applications'. There is always the possibility that RSPs could design their networks to ensure that the most popular content, for example Netflix or Akamai, is suitably located to give a better performance score. It is difficult to define all network elements to be included to encapsulate all possible services uses. As far as possible the guidelines should try to promote strong interconnect arrangements with a full range of data exchanges, and hence ensure overall strong internet performance.

3. Frequency of sampling

   a. Sampling more frequent than hourly is likely to provide a more accurate measurement. ACCAN understands that much more frequent measurements may be possible.[3] This may depend on the likely impact that it would have on the testers (consumers), their service performance and the overall network performance.[4] If the measurements occurred at the same frequency across providers it would ensure fairer comparisons.

4. Measuring typical speed

   a. ACCAN is supportive of the 80/80 methodology being used to inform the typical speed in the busy hour period. This measurement is more accurate than a general median measure. ACCAN is cautious about RSPs advising or stating on the information templates that it is an 80/80 measure as this may be complicated to explain to consumers. The commonality of measurement, feasibility for consumers to use the information and comparability between providers are the most important elements, as opposed to understanding the exact methodology.

5. Consumer information template

   a. ACCAN is unaware of any impediments to providing the information in the consumer information template set out in the information request paper.

   ACCAN is very supportive of the intention behind the consumer information template. This type of information will set out the required information and present the information upfront for consumers to use. Currently, providers often provide some general restrictions on the use of service or applications. However, it often requires a

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[3] Potentially as frequently as 5 min intervals.
[4] ACCAN understands that regular sampling is likely to provoke distortions in network performance, particularly if measurements are taken by a large number of consumer end point devices at the same time.

level of technical understanding to translate the generalities into effect on actual individual services. This leaves consumers to make purchasing decisions on peripheral aspects such as brand image of companies.[5] The proposed template would be useful for consumers as it puts the information in terms of a consumers' broadband service.

We would caution making the template lengthy or word heavy. The information should be relevant to individuals.

ACCAN does not support calling the underlying access rate the 'off-peak speed'. The access network speed is a maximum speed in most cases and may not be achievable at all for some consumers.[6] Measurements that represent themselves as off peak speeds should reflect the typical off-peak speeds that consumer will experience.

6. Speed labels

    a. ACCAN is agreement of having standardised labels across all providers. ACCC has suggested; basic (<20Mbps), standard (20-30Mbps) and premium speeds (>30Mbps). This may be a significant change to marketing of plans currently seen by RSPs, but one which should provide greater clarity to consumers. These labels are likely to require adjusting in future as performance changes.

        While we think standardised labels would be useful, we are slightly concerned that guidance might also be required for wholesale access networks. The high expectation and confusion among consumers is partly due to this mixed messaging that they receive. Wholesale access seekers should be clear in the part of the service which they have control over. Furthermore, they should refrain from providing sample applications as a determinant of speed decisions.[7] The performance of these applications is impacted by decisions of the RSP and therefore may not be an accurate representation of the speed needed or expected performance.

7. Implementation timetable

    a. ACCAN is unaware of any impediments to implementing the guidance principles in line with the timeframes.

        We understand that most providers will be able to use results from the Broadband Performance Monitoring program that was announced today.[8] The start of this program

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[5] Harrison, Paul, Hill, Laura, and Gray, Charles, 2016, Confident, but Confounded: Consumer Comprehension of Telecommunications Agreements, Australian Communications Consumer Action Network, Sydney. http://accan.org.au/files/Reports/Confident%20Confounded_accessible%20WEB_03.11.16.pdf
[6] For example see ACCAN submission to ACCC on nbn speed ranges. https://accan.org.au/our-work/submissions/1295-special-access-undertaking
[7] For example nbn speed information. http://www.nbnco.com.au/learn-about-the-nbn/speed.html
[8] 'ACCC to monitor Australia's broadband performance', 7th April 2017. https://www.accc.gov.au/media-release/accc-to-monitor-australias-broadband-performance

is likely to coincide with the proposed timeframe for implementation removing some of the work required by RSPs.

Yours faithfully

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Bibliography

- Centre for Applied Internet Data Analysis, http://www.caida.org
- RIPE Network Coordination Centre, https://atlas.ripe.net/