

25 September 2014

Ms Jo Grainger
Infrastructure Deployment
Telecommunications Division
Department of Communications
44 Sydney Avenue
Forrest ACT 2603

Dear Ms Grainger

Reference: Department of Communications Consultation – ‘Implementation of the National Broadband Network – Migration Assurance Policy’

The Telecommunications Industry Ombudsman (TIO) welcomes the opportunity to provide comments on the Department of Communications’ Migration Assurance Policy consultation paper (the consultation paper).

The TIO has received a substantial number of NBN-related complaints. The majority of these complaints involve issues that consumers say they have experienced with the connection of NBN services. These include complaints about connection delays and missed appointments, as well as issues about the continuity of services for consumers migrating from copper to the NBN. For example, consumers tell us that after they have placed an order with their RSP to connect an NBN service their existing copper services are sometimes disconnected without prior notification. This can be a serious issue for vulnerable consumers.

Noting that the TIO’s primary function is dispute resolution, we have confined our comments to those matters in the consultation paper which directly link to the consumer experience in migrating to the NBN, based on our experience with handling consumer complaints about NBN services.

How do we best integrate and leverage the lessons learned from the migration experience in the initial fibre rollout regions into a long-term migration model?

Through the initial stages of the fibre rollout, consumers have reported a variety of issues in their complaints about the migration of their services to the NBN, including the premature disconnection of their copper services. Based on the information reported by consumers, the TIO believes there may be opportunities to leverage from the migration experience to date by:

- Reviewing the quality and availability of information about migrating to the NBN, particularly in relation to the implications for existing copper services.
- Understanding how the premature disconnection of copper services has historically occurred and, in instances where they do occur, how consumers can have their services reinstated as quickly and effectively as possible. From complaints the TIO has handled, the premature disconnection issue can be particularly problematic where a new RSP has been chosen to deliver the NBN service. In these circumstances, complications can arise as a

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result of the number of stakeholders involved, such as the consumer's original RSP, their new RSP, and NBN Co.

- Understanding and rectifying the causes of delays that some consumers experience in the connection of new NBN services, and
- Providing clearer information to industry and the community in respect of the Cease Sale arrangements that prohibit consumers from signing up to new copper services in NBN ready for service (RFS) areas. The TIO has been contacted by a number of consumers who have reported moving into NBN RFS areas and experiencing difficulties either with having a service connected or understanding what options are available. The TIO has also been contacted by consumers residing in areas that are subsequently declared RFS who, for reasons beyond their control, have had their copper services disconnected without the possibility of being restored because of the Cease Sale arrangements. These latter examples required the intervention of the ACCC to clarify with Industry that there are some clear exceptions to the Cease Sale rules.

These examples highlight the importance of long-term migration arrangements that ensure end-user consumers have clear information and are able to make informed choices about when to migrate to the NBN, in addition to being aware of any potential implications on the continuity of their existing services.

How can we best protect and support consumers' telecommunications services when migrating to the NBN?

Consumers and small businesses are very reliant on their telecommunications services and the continuity of those services is a particularly important factor when considering future migration arrangements. Vulnerable consumers face an increased risk if the migration of their services to the NBN results in even a temporary outage of their services. To best protect consumer services, consideration should be given to:

- Providing clear and consistent information to consumers in advance of their services being migrated to the NBN. This may include a centralised point of contact for consumers who are looking for more information, as suggested in the consultation paper. It may also include a communications and education campaign that begins in the lead up to an expected RFS date, as opposed to after an area is declared RFS.
- Ensuring that accurate information on the serviceability of consumer premises is readily available. This would assist consumers and industry by helping to manage the expectations of consumers migrating to the NBN
- Ensuring that any new processes to guide the migration of other NBN technologies such as FTTN should be developed in a transparent manner to ensure sufficient input from all stakeholders, and
- Whether there is scope for a process that defers the disconnection of a copper service until after the NBN service has been activated, or where this is not possible, for the end user to be clearly informed of the relevant outage period between the copper service being disconnected and the NBN service being activated.

Migration Assurance Principles

In relation to the proposed Migration Assurance Principles that would guide the Migration Assurance Policy, the TIO agrees that:

- Based on the issues and potential for impact, the migration should be an end-user focussed activity to minimise adverse impacts and maximise service continuity
- Any arrangement must be predictable, straightforward, and seamless to cater for vulnerable consumers for which service continuity is paramount, and
- Any arrangement must be sufficiently flexible to deal with unforeseen changes and challenges, as well as migrations from different technologies such as FTTN, or HFC.

Conclusion

The TIO welcomes the proposed Migration Assurance Policy as a means of identifying and allocating the responsibilities of different stakeholders involved in the end-to-end migration process. A consolidated overarching framework that focuses on end-users and the continuity of their services should facilitate the successful migration of services to the NBN by increasing awareness of the migration process.

Please do not hesitate to contact me on (03) 8600 8700, or at david.brockman@tio.com.au if you have any questions about this correspondence.

Yours sincerely



David Brockman

Executive Director – Industry, Community & Government