

TELSTRA CORPORATION LIMITED

Variation to Telstra's Migration Plan

Submission in Support

7 September 2018



Executive Summary

On 6 March 2018, the Australian Competition and Consumer Commission (**ACCC**) approved Telstra's Varied Migration Plan (**Plan**). The main purpose of that variation was to reflect NBN Co's adoption of a new Access Technology type – fibre to the curb (**FTTC**).

The present proposal to vary the Plan (**varied Plan**) covers three main areas:

- Amendments to Telstra's obligations relating to HFC Services (including for which Telstra has previously received regulatory forbearance or approval from the ACCC) in order to promote service continuity for customers impacted by NBN Co's temporary pause on accepting new orders for Premises that are intending to migrate to the nbn on HFC technology (**the HFC pause**).
- Amendments to reflect additional measures for which Telstra has previously received regulatory forbearance or approval from the ACCC (in addition to measures relating to the HFC pause which received forbearance), and which are now being documented in the Plan for completeness. In summary, these amendments relate, respectively, to the arrangements for Premises with fire alarm and lift phone services and extension of the application of the Phase 1 / Phase 2 In-Train Order (**ITO**) arrangements which would otherwise have expired on 30 June 2018.
- Amendments to accommodate proposed changes to the current terms of the Plan relating to the migration of Special Services (**SS**), and Special Services Inputs (**SSI**) (collectively **TSS**).

The purpose of this submission is to explain the variations that Telstra proposes be made to the Plan and reasons why they should be approved by the ACCC. The submission is split into two parts as follows:

- Part 1 - This covers the amendments to the Plan proposed by Telstra relating to the HFC pause and other measures for which forbearance has already been received including Premises with fire alarm and lift phone services and extending the application of the Phase 1 / Phase 2 In-Train Order (**ITO**) arrangements. These amendments primarily relate to the migration of standard voice and broadband services.
- Part 2 - This covers the amendments to the Plan related to the migration arrangements for TSS.

Telstra submits that the varied Plan complies with the *Telecommunications (Migration Plan Principles) Determination of 2015* (**MPPs**), and promotes the objectives of minimising disruption to end users and promoting service continuity, to the extent this is in Telstra's control.

PART 1 – GENERAL CHANGES TO THE PLAN

1. Proposed variations relating to NBN Co's HFC pause

NBN Co announced the HFC pause on 27 November 2017. Following this announcement, Telstra has requested and obtained from the ACCC, interim forbearance from a number of obligations under the Plan in order to promote service continuity and ensure a positive customer experience for impacted customers. Interim forbearance from the ACCC was provided on the basis that Telstra would subsequently submit a formal variation to the Plan reflecting the revised arrangements. The varied Plan covers these matters, as summarised below.

1.1 Temporary lifting of cease sale for Premises impacted by the HFC pause

Telstra is proposing to formally document in the Plan the following temporary measure which is already subject to regulatory forbearance granted by the ACCC on 30 November 2017, and which has been operationally implemented.



In accordance with the terms of this forbearance, the proposed variation temporarily relaxed the cease sale rules in the Plan as they applied to Premises impacted by the HFC pause. The relaxation is proposed for a limited historical period only (1 December 2017 to 27 April 2018).

Relaxing the cease sale rules in this manner enabled Telstra to provision new legacy services to Retail and Wholesale Customers impacted by the HFC pause during the initial period of the HFC pause. During this period NBN Co was in the process of resetting the serviceability status of these Premises and determining the plans for optimising its HFC network and re-releasing Premises for migration to the nbn. The proposed variation supported service continuity during the initial period of customer and industry uncertainty that followed NBN Co's announcement of the HFC pause.

The variation temporarily lifts the cease sale restrictions in the Plan:

- for Premises classified by NBN Co as nbn serviceable (i.e. SC21, SC22, SC23 or SC24), other than in relation to HFC Premises already migrated to the nbn and receiving active nbn services; and
- for a limited period starting from when Telstra received the relevant forbearance from the ACCC (1 December 2017), and ending on the date on which NBN Co commenced the re-release of Premises impacted by the HFC pause once they were again 'ready to connect' to the nbn (27 April 2018).

The relevant section of the Plan proposed to be varied is summarised as follows:

Relevant Section of the Plan	Proposed amendment
Clause 17.6 - Commencement and operation of Clause 17	Addition of sub-clause 17.6(b)(iii) stating that Cease Sale does not apply to orders or requests for the supply of new services received between 1 December 2017 and 27 April 2018, at Premises that are nbn serviceable using HFC and, for HFC Connected Premises, where there is no active nbn service provided to the Premises

For ease of review, the changes in the table above (for section 1.1 of this Submission in Support) have been highlighted in **green outline** within the marked-up version of the varied Plan.

Consistency with the MPPs:

Telstra considers that this variation is consistent with the MPPs. In particular, Telstra considers that the variation is consistent with the obligations in general principle 10 for the Plan to ensure disconnection occurs in a way that minimises disruption to the supply of fixed-line carriage services.

Telstra considers the variation to be of a minor and formal nature which is consistent with the ACCC's forbearance decision of 30 November 2017, and which the ACCC can approve under section 577BF(5) without consultation.

1.2 Additional time to migrate for serviceable Premises impacted by the HFC Pause facing disconnection during the first 6 months of the HFC pause

Telstra is proposing to formally document in the Plan the following temporary measure which is already subject to regulatory forbearance granted by the ACCC on 30 May 2018, and which has been operationally implemented.

This measure relates to our managed disconnection obligations under the Plan applicable to those Premises residing within Rollout Regions with Disconnection Dates from February 2018 until May 2018 (inclusive) and which continued to be nbn serviceable using HFC in the NBN Co Service Qualification System during this period.



Following NBN Co announcing its temporary HFC pause, it was identified that some end-users at impacted Premises with in-place nbn orders that had not yet been successfully completed proceeded to cancel those orders. End-users continued to cancel their existing nbn orders after 11 December 2017 (being the date that NBN Co completed its roll-back of the serviceability status of the HFC technology Premises without nbn orders). Unlike Premises whose nbn serviceability status had been rolled-back by 11 December 2017 (and either had been, or would be, allocated to separate Service Continuity Regions with deferred Disconnection Dates), NBN Co intended that those HFC technology Premises still holding valid nbn orders after the roll-back had been completed would remain as nbn-serviceable so that these orders could be fulfilled. Therefore the existing Disconnection Date applicable to the parent Rollout Region was to be maintained.

In order to protect the service continuity for customers at Premises who had cancelled their nbn orders after 11 December 2017, and in acknowledgement of the initial six month period of consumer and industry uncertainty following the announcement of the HFC pause, Telstra and NBN Co agreed that additional time should be allowed to enable Retail Service Providers (**RSPs**) to work with these end-users to re-raise cancelled nbn orders and enable them to migrate to the nbn prior to managed disconnection commencing. This agreement allowed an extension of 150 business days (**BDs**) after the Rollout Region Disconnection Date (**RRDD**) (i.e. equivalent to the Phase 2 ITO period) to be applied to nbn-serviceable Premises impacted by the HFC pause in regions with Disconnection Dates from February 2018 until May 2018 (inclusive).

The relevant sections of the Plan proposed to be varied are summarised as follows:

Relevant Section of the Plan	Proposed amendment
Clause 14.1 - Managed Disconnection to commence on the Disconnection Date	Addition of sub-clause 14.1(b)(ix) to exclude Premises subject to cl.15.8 from the requirement to complete managed disconnection within 45 BDs after the RRDD
Clause 15.8 - Disconnection of Premises affected by NBN Co's HFC stop sell	Addition of a new clause describing the revised managed disconnection timeframe of 150 BDs to be provided to Premises residing within Rollout Regions showing as nbn Serviceable using HFC in the NBN Co Service Qualification System with disconnection dates from February 2018 until May 2018

For ease of review, the changes in the table above (for section 1.2 of this Submission in Support) have been highlighted in **green outline** within the marked-up version of the varied Plan.

Consistency with the MPPs:

Telstra considers that the proposed variation supports disconnection of fixed-line carriage services occurring in a way that promotes the MPPs, particularly general principle 10 and specific principles 12 and 13.

General principle 10(1)(b) requires that, to the extent it is in Telstra's control, disconnection occurs in a way that minimises disruption to the supply of fixed-line carriage services. Specific principles 12(7) and 13(5) state that the Plan may set out specified types of no-order disconnection Premises for which specified maximum periods for disconnection apply. Further, as required per principles 12(8) and 13(6), this period for these no-order disconnection Premises are consistent with the arrangements specified in the Definitive Agreements.

Telstra considers the variation to be of a minor and formal nature which is consistent with the ACCC's forbearance decision of 30 May 2018, and which the ACCC can approve under section 577BF(5) without consultation.



1.3 Temporary suspension of disconnection communications to Premises impacted by the HFC pause

Under the Plan, Telstra is required to provide Retail customers, with active Copper and HFC services as at four months prior to the RRDD, with a notification about disconnection no later than three months before the applicable RRDD. Telstra determined that continuing to send these mandatory disconnection notifications to our Retail customers at Premises impacted by NBN Co's HFC pause whilst the disconnection arrangements were still being determined with NBN Co could, in the circumstances, cause unnecessary confusion and concern.

As a result, from early December 2017 and following informal discussions on the matter with the ACCC, Telstra suspended the provision of standard mandatory disconnection communications to Retail customers in Premises affected by NBN Co's HFC pause, until the disconnection arrangements for these Premises were resolved.

In order to give effect to these arrangements, Telstra is proposing to vary its mandatory disconnection communications obligations under the Plan as they apply to Premises that are, or proposed to be, nbn HFC-Connected within the March through to June 2018 Disconnection Waves (inclusive).

The relevant sections of the Plan proposed to be varied are summarised as follows:

Relevant Section of the Plan	Proposed amendment
Clause 8.2(e) – Telstra Communication with Retail Customers about impending Disconnection Dates	Addition of sub-clause 8.2(e) to provide that Telstra is not required to provide disconnection notifications to Retail customers at Premises that are, or are proposed to be HFC-Connected Premises subject to the March 2018 through to June 2018 Disconnection Waves

For ease of review, the changes in the table above (for section 1.3 of this Submission in Support) have been highlighted in **green outline** within the marked-up version of the varied Plan.

Consistency with the MPPs:

Telstra considers this interim amendment supports the requirements to communicate with Retail customers in a way that promotes the MPPs, particularly specific principle 24.

Specific principle 24 requires Telstra to use all reasonable endeavours to communicate in a timely and effective manner with its Retail customers about impending disconnections. The proposed variation reflects a temporary measure taken by Telstra to ensure that its communications with Retail customers impacted by the HFC pause regarding their impending disconnection were accurate, effective and provided in a manner that minimised any unnecessary confusion or concern.

Telstra considers the variation to be of a minor and formal nature which the ACCC can approve under section 577BF(5) without consultation.

2. Various amendments reflecting prior ACCC forbearance decisions and approvals

2.1 Extension of the existing ITO disconnection arrangements

Telstra is proposing to formally document in the Plan the following measure which is already subject to partial regulatory forbearance granted by the ACCC on 12 June 2018.

This proposed amendment extends the application of the existing Phase 1 / Phase 2 ITO arrangements for Premises subject to RRDD, as set out in the Plan beyond the current stated expiry date of 30 June 2018. In accordance with Telstra's request for forbearance, the forbearance provided by the ACCC permitted an interim extension of these arrangements until 12 November 2018. In interests of providing



industry with long-term certainty, Telstra is now proposing that these arrangements be further extended, until 30 June 2022.

These arrangements were initially proposed to operate for 2 years from 1 July 2016, to provide industry with stability and certainty of the arrangements that will apply, while also allowing an opportunity for the arrangements to be revisited once more experience was obtained with Multi-Technology Mix migrations. Telstra considers that the existing Phase 1 / Phase 2 ITO arrangements have worked well and are both understood and supported by industry. The extension of these arrangements will assist to minimise the risk of any disruption to end-user services where migration orders have been registered with NBN Co within the required timeframes to qualify as ITO Premises. Telstra also considers that extending the expiry date for the existing Phase 1 / Phase 2 ITO arrangements (rather than reverting to the shorter disconnection timeframes which would otherwise be applicable after 30 June 2018 under the current terms of the Plan) will be beneficial during this peak phase of the nbn rollout, especially at a time of change associated with the introduction of the FTTC access technology and as NBN Co re-releases HFC Premises.

The interim expiry date of 12 November 2018 as subject to ACCC forbearance, was an interim measure to align with the first Special Service Disconnection Date (**SSDD**) (for TSS covered by Required Measure (**RM**) 5(A)) of 12 November 2018. That date was selected in consultation with NBN Co to provide industry with certainty regarding the extension of the existing Phase 1 / Phase 2 ITO arrangements while Telstra progressed negotiations with NBN Co about the longer term arrangements for ITOs. The proposed extended expiry date in the Plan of 30 June 2022 reflects that the parties have now agreed on longer term continuation of the current Phase 1 / Phase 2 ITO arrangements. 30 June 2022 has been selected as a date which should allow sufficient time for all premises still subject to the nbn rollout as at the Designated Day to be disconnected in accordance with the Plan.

The relevant sections of the Plan proposed to be varied are summarised as follows:

Relevant Section of the Plan	Proposed amendment
Clause 15.1A - Disconnection of In-Train Order Premises in Rollout Regions	Amended the expiry date from 30 June 2018 to 30 June 2022 Consequential amendment to 15.1A(f) to clarify the original date cl 15.1A was approved by the ACCC
Clause 15.1 - Disconnection of In-Train Order Premises in Rollout Regions	Amended the commencement date from 1 July 2018 to 1 July 2022
Clause 7.4 - First and last date on which orders for disconnection can be lodged	Consequential amendment to the timeframe in cl 7.4(b)(i) by which Retail Customers and Wholesale Customers may lodge orders for the disconnection of Copper Services at Premises Passed within a Rollout Region, to align with the applicable ITO timeframes as specified in cl.15.1A or cl.15.1 above
Schedule 3 RM 2 Clause 6 - Disconnection of In-Train Order Premises	Consequential amendments to cl.6, including the insertion of sub-clauses 6.1, 6.2, 6.3 and 6.4, to incorporate and reflect the pre-existing clause 15.1A Phase 1 and 2 ITO arrangements
Schedule 3 RM 3 Clause 5 - Disconnection arrangements of In-Train Order Premises	Consequential amendments to cl.5, including the insertion of sub-clauses 5.1,5,2,5,3 and 5.4, to incorporate and reflect the pre-existing clause 15.1A Phase 1 and 2 ITO disconnection arrangements
Schedule 10 – Dictionary	The definition for ITO Period is amended to reflect the extended expiry date

For ease of review, the changes in the table above (for section 2.1 of this Submission in Support) have been highlighted in grey outline within the marked-up version of the varied Plan.



Consistency with the MPPs:

Telstra considers the proposed variation supports the disconnection of fixed-line carriage services to occur in a way that promotes the MPPs – particularly general principle 10 and specific principle 12.

General principles 10(1)(b) and 10(1)(c) respectively require that, to the extent it is in Telstra's control, disconnection occurs in way that minimises disruption to the supply of fixed-line carriage services and, to the greatest extent practicable, gives a wholesale customer autonomy over certain decisions, including timing of disconnection.

The proposed variation is designed to support Specific Principle 12(6)(a) by continuing to provide RSPs with improved opportunity to migrate their customers to the nbn whilst still allowing disconnection as soon as reasonably practicable following 120 BDs post Disconnection Date (i.e. in this case disconnection commences from 150 BDs).

Overall, and in line with the ACCC's prior acceptance of the Phase 1 / Phase 2 ITO arrangements in 2016, the proposed variation provides industry with continued confidence that there will be appropriate time to migrate customers in a way which continues to promote service continuity for end users (particularly for complex Premises or Premises that are connected to the nbn later in the migration window) and minimises disruption to end-user services by continuing to provide a greater number of Premises more time before managed disconnection.

2.2 Temporary disconnection extension for Premises with registered fire alarms and lift phones

The Plan currently states that Premises with registered fire and lift phone services will be disconnected as soon as reasonably practicable after the date that is 120 BDs after the RRDD.

In September 2015, Telstra agreed with NBN Co, in response to a request from the Department of Communications and the Arts, to develop a modified approach to the disconnection of registered fire alarm and lift phone services. When notified, the ACCC did not object to the implementation of these transitional arrangements which postponed the managed disconnection of a fire alarm or lift phone service until 1 July 2017, where it has been registered with NBN Co by 25 BDs after the relevant RRDD, and notification is provided to Telstra by NBN Co. For ease of operational management, Telstra and NBN Co agreed to allocate any Premises residing in Rollout Regions with a Disconnection Date that passed before the transitional arrangements ended to the July 2017 Disconnection Wave.

Following further agreement with NBN Co, Telstra proposed to amend the disconnection period provided to Premises with registered fire and lift phone services to better align with the maximum disconnection period applied to Premises under the Phase 1 / Phase 2 ITO arrangements, as referred to in section 2.1 above (i.e. disconnection commences from 150 BDs following the Disconnection Date and will complete as soon as reasonable practicable after 155 BDs). This extension provided further opportunity for Application Service Providers to promote awareness of the compatibility of their products on the nbn, and for other relevant parties (including Telstra and NBN Co) to continue to promote awareness of the need to migrate away from Telstra's copper network before disconnection is enforced.

The proposed variation to the Plan reflects the operational arrangements that have already been implemented and communicated to industry, including Wholesale Customers, with the ACCC's consent. That is, Premises that were notified to Telstra by NBN Co as having copper service registered as a fire alarm or a lift phone, and residing in Rollout Regions with a Disconnection Date:

- on or before 31 July 2017: disconnection will be completed as soon as reasonably practicable after 27 February 2018 (which equates to 155 BDs based on the July 2018 Disconnection Date), unless a disconnection order is received earlier; or
- from 1 August 2017 to 31 December 2017: disconnection will be completed as soon as reasonably practicable after 155 BDs, unless a disconnection order is received earlier.



Telstra and NBN Co are continuing to work to prioritise service continuity in circumstances where registered fire alarm and lift phone services remain connected at Premises as at (or even past) the applicable RRDD. The relevant sections of the Plan proposed to be varied are summarised as follows:

Relevant Section of the Plan	Proposed amendment
Clause 15.5 - Disconnection of Premises with registered fire alarms and lift phones	Amendments to update the drafting in: <ul style="list-style-type: none"> cl.15.5(a)(ii) to extend the disconnection timeframe for applicable Premises from 120 BDs after the RRDD to 155 BDs after the RRDD cl 15.5(b)(i) to clarify that the fire alarm or lift phone must be registered with NBN Co and able to be matched to Telstra records cl 15.5(b)(iii) to extend the conclusion of the extended disconnection arrangements
Clause 21 - Soft Dial Tone at Disconnection Date	Addition of sub-clause 21.1(a)(iv) to exclude the requirement to apply Soft Dial Tone on services at Premises subject to cl.15.5
Schedule 3 RM 2 - Process for Managed Disconnection of Copper Services from the Disconnection Date	Consequential amendments to RM 2 to update the associated processes that apply for Premises with registered fire alarm and lift phone services under cl.15.5 above at the following sub-clauses: <ul style="list-style-type: none"> cl.4.1(e) cl.5.1(a)(iii) and cl.5.1(d) cl.7.1(a)(v)

For ease of review, the changes in the table above (for section 2.2 of this Submission in Support) have been highlighted in **red outline** within the marked-up version of the varied Plan.

Consistency with the MPPs:

Telstra considers that this proposed variation supports the disconnection of fixed-line carriage services occurring in a way that promotes the MPPs – particularly general principle 10 and specific principles 12 and 13.

General principle 10 requires that, to the extent it is in Telstra's control, disconnection occurs in way that minimises disruption to the supply of fixed-line carriage services. Specific principles 12(7) and 13(5) state that the Plan may set out specified types of no-order disconnection Premises for which specified maximum periods for disconnection apply. As required per principles 12(8) and 13(6), the revised disconnection period for these no-order disconnection Premises is consistent with the arrangements specified in the Definitive Agreements.

Telstra considers the variation to be of a minor and formal nature which is consistent with the ACCC's previous forbearance decisions in relation to the temporary disconnection extensions to be afforded to registered fire alarm and lift phone services, and which the ACCC can approve under section 577BF(5) without consultation.

2.3 Variation to Required Measure 5(D)

Telstra previously notified the ACCC of a proposed variation to cl.4.1 of Required Measure 5(D). The ACCC confirmed on 14 November 2017 that it had no objection to this variation. Telstra subsequently published the amended Required Measure 5(D) on our Wholesale Customer Portal on 12 December 2017, whereupon the amendment to the Required Measure formed part of the Plan.

For the purposes of good order and ease of reference, we have included this variation to Required Measure 5(D) within our marked-up changes to the varied Plan, for visibility only.



PART 2 – CHANGES TO THE PLAN RELATING TO TSS

3. Proposed deferral of the commencement of disconnections for TSS and the introduction of ITO arrangements

TSS are typically business-grade services. The arrangements for the disconnection of TSS are currently mainly set out in clause 22 of the Plan and the Required Measure 5s (**RM 5s**) set out in Schedule 7 to the Plan. Under the current terms of the Plan, each class of TSS covered by an RM5 is either required to be disconnected by a specific initial Special Services Disconnection Date (**SSDD**), or a subsequent RRDD. These disconnection arrangements at SSDD encourage migration away from Telstra's copper network and are agnostic in relation to the competing network that RSPs and end-users would like to migrate their service to.

Telstra and NBN Co have recently agreed on some changes to the disconnection arrangements for TSS subject to disconnection at the SSDD. These changes are designed to minimise disruption to end-users and promote service continuity. Telstra acknowledges that these new SS ITO arrangements are not network agnostic and will provide end users with a better safety-net if they migrate to nbn, rather than if they migrate to a competing network.

As detailed in sections 3.1, 3.2 and 3.3 below, these changes give rise to proposed amendments to the Plan and to the supporting RMs 5(A), 5(C), 5(D) and 5(E). Due to the differing disconnection arrangements that apply to RM 5(B) – CustomNet Spectrum as a result of Telstra announcing a full national product exit, Telstra will, subsequent to this Plan variation, separately be proposing a variation to these disconnection arrangements. That variation will include proposed changes to reflect the agreement reached with NBN Co.

3.1 Deferring the SS Primary Disconnection Window applicable to the first classes of TSS

For the TSS covered by RM 5(A) (TSS within the SS Classes Ethernet Lite and Wholesale Business DSL that are connected or proposed to be connected to the NBN using the FTTP, FTTN and FTTB access technologies), it is proposed to amend the disconnection timeframes to provide RSPs and Telstra with a short extension of time to begin managed disconnections.

Currently, service disconnection is scheduled to commence from 1 BD after the SSDD (12 November 2018) and complete 5 BDs after the SSDD, followed by permanent disconnection completing by 25 BDs after the SSDD. This is likely to require RSPs and Telstra to conduct a potentially large volume of disconnections activity over the course of the summer / Christmas holiday period.

The proposal is therefore to amend RM 5(A) so that service disconnection will commence from 52 BDs after the SSDD and complete 61 BDs after the SSDD, followed by permanent disconnection completing 87 BDs after the SSDD. For clarification, there is **no extension to the initial SSDD** for the services covered by RM 5(A). This remains set at 12 November 2018.

This extension to when disconnection commences is network agnostic and applies regardless of what network RSPs and end users chose to migrate their services to.

The effect of the proposed changes will be that the commencement of disconnection activity is deferred until 29 January 2019, after the Christmas, New Year and Australia Day public holidays. This proposal is driven by a concern to minimise the potentially disruptive impacts of disconnections activity on affected end-users and move the required activity to a time when it can be sensibly managed, given Telstra, NBN Co and impacted RSPs would otherwise be likely to have lower levels of staffing available to assist end-users. The extended period will also reduce the risk of unintended disruptions to end-user services as a result of the industry being required, for the first time since the inception of the Plan, to conduct large-scale transitions and disconnections of TSS due for disconnection or migration by the SSDD.



A similar extension was put in place for standard copper voice and broadband services at premises subject to disconnection following their RRDD, when disconnection activity had been scheduled to occur during the 2015/16 Christmas and New Year holiday period. The following is a description of the proposed changes within RM 5(A):

Relevant Section of the Plan	Proposed Amendment
Schedule 7 RM 5(A) Clause 8.1 – Managed Disconnections	Amendment to the SS Principal Disconnection Window to now commence from 52 BDs after SSDD and to complete by 87 BDs after SSDD. Activities will now be performed based upon the SS Updated Final Disconnection List (refer section 3.2 below)
Schedule 7 RM 5(A) Clause 8.2 – Service Disconnection	Amendment to the SS Disconnection Phase to now commence from 52 BDs after SSDD and to complete by 61 BDs after SSDD. Activities will be performed based upon the SS Updated Final Disconnection List (refer section 3.2 below)

For ease of review, the changes in the table above (for section 3.1 of this Submission in Support) have been highlighted in **yellow outline** within the marked-up version of the varied Plan.

3.2 Introduction of an In-Train Order Period for TSS at Premises migrating to the nbn in association with the SSDD

Currently, clause 22.5(c) of the Plan prevents Telstra from delaying disconnection of TSS beyond the SSDD by using any process which is comparable to the ITO process that applies in respect of disconnection of standard copper services under the Phase 1 and 2 ITO arrangements set out in clauses 15.1A and 15.1 as at the RRDD (the '**Standard ITO arrangements**').

When clause 22.5(c) was originally drafted, it was anticipated that the three year period between NBN Co first publishing a White Paper covering a TSS class and the SSDD applicable to that TSS class would be adequate to ensure the orderly transition of all TSS to the nbn or alternative networks by the SSDD, without the need for an ITO process.

However, the practical experience has been that, notwithstanding RSP and NBN Co efforts, many TSS end-users have been slow to migrate away from their legacy services, with the consequence that there currently remains a large number of active legacy TSS. Wholesale Customers have also raised concerns about readiness with respect to the RM 5(A) SSDD, indicating that a greater incentive is required to encourage RSPs and their end-users to take action to migrate these services ahead of mandatory disconnection being enforced.

Without the introduction of an ITO process, there is therefore a material risk that customers using TSS will be mandatorily disconnected shortly after the SSDD without having a working substitute service connected and activated. End-users of TSS include enterprise and government customers such as emergency services organisations, public institutions, charities, financial institutions and religious organisations who rely on these services to support critical operations for their organisations. Disruption of their services would have broad economic consequences that Telstra is trying to avoid.

At the same time, experience has shown that the Standard ITO arrangements already in place for the disconnection of standard voice and broadband services subject to RRDD have worked well in providing an incentive for end-users to raise migration orders and to promote service continuity.

In order to reduce the risk of harm to end-users posed by the current absence of an ITO process for TSS subject to disconnection at the SSDD, Telstra has reached agreement with NBN Co to amend (subject to ACCC approval) the disconnection arrangements under the Plan, to facilitate the introduction of ITO arrangements for those TSS at premises that are seeking to migrate to solutions on nbn technology.



These premises are referred to as *SS In-Train Order Premises*. Telstra is accordingly proposing amendments to the Plan and associated RMs 5(A) and 5(C)-5(E) to reflect these new arrangements.

It is important to note that these new arrangements will **only** apply to those TSS where a valid order is in place to migrate the TSS to the nbn. They do not cover any TSS which are being migrated to a non-nbn network. Telstra is hopeful that commercial agreement can be reached with NBN Co to extend the TSS ITO to also apply on a network agnostic basis.

The details of the planned amendments to the Plan giving effect to these arrangements are as follows:

1. SS In-Train Order Premises will not commence disconnection before 170 BDs after SSDD. This timeframe is designed to provide NBN Co with 120 BDs to successfully complete the nbn connection, followed by 50 BDs for RSPs to complete nbn activation. The proposed disconnection timeframe for SS In-Train Order Premises is longer than the 150 BD timeframe that applies under the Standard ITO arrangements, to allow for (i) the higher level of complexity associated with migrating TSS to the nbn by comparison to standard copper voice and broadband services and (ii) the large “bow wave” of TSS expected to be required for disconnection or migration by the SSDD, as compared with the smaller volumes typically seen at the RRDD for standard services and expected for TSS at subsequent RRDDs.
2. NBN Co will notify Telstra of SS In-Train Order Premises in respect of the date that is 2 months before the relevant SSDD and again in respect of the applicable SSDD. SS In-Train Order Premises will be recognised by NBN Co as at the date that is 2 months before the relevant SSDD or at the SSDD itself, where:
 - a. an eligible nbn connection order for the provision of a nbn service to the Premises is received by NBN Co and no nbn service has been supplied by NBN Co; or
 - b. an attempted nbn connection order (that meets the relevant criteria) for the provision of a nbn service to the Premises has been made (and NBN Co has been notified), and no nbn service has been supplied by NBN Co; or
 - c. a TSS to a Premises is to be replaced by an nbn service subject to an eligible nbn connection order to a second Premises that is located within the same MDU as, or is otherwise adjacent to or nearby, the first Premises and no nbn service has been supplied by NBN Co to that second Premises; or
 - d. an eligible commercial wholesale nbn service has commenced at the Premises in the 4 months leading up to the SSDD.
3. In addition, for the purpose of providing Wholesale Customers with clarity of the disconnection process (and Telstra Retail on an equivalent basis), Telstra will produce the following reports and notify to Wholesale Customers of:
 - a. SS In-Train Order Premises (that have been recognised by NBN Co as at the date that is 2 months before the relevant SSDD) as soon as reasonably practicable after the date that is 15 BDs after the milestone that is 2 months before the SSDD;
 - b. the SS Final Disconnection List as soon as reasonably practicable after the date that is 1 month before the SSDD (prior to the removal of SS In-Train Order Premises); and
 - c. the SS Updated Final Disconnection List as soon as reasonably practicable after the date that is 10BD after the SSDD (where SS In-Train Order Premises will have been removed).
4. Some minor administrative changes to the disconnection processes set out in RMs 5(A) and 5(C)-5(E) are proposed, in order to allow time after the SSDD set out in those RMs for Telstra to receive the list of SS In-Train Order Premises from NBN Co and notify these to Wholesale Customers (and Telstra Retail on an equivalent basis). Specifically, it is proposed that in the case of TSS covered by:



- a. RMs 5(C)-5(E)¹, the SS Service Disconnection Phase will commence from 15 BDs following SSDD and complete at 25 BDs following SSDD.
- b. RMs 5(C)-5(E)², the Principal Disconnection Window will complete at 55 BDs following SSDD.
- c. each of RMs 5(A) and 5(C)-5(E) Telstra will perform the steps as required during the SS Service Disconnection Phase and the SS Principal Disconnection Window, based upon the SS Updated Final Disconnection List.

For clarification, these arrangements for SS In-Train Order Premises will **only** apply to a Premises with a TSS where the associated SSDD occurs after the RRDD in which the Premises is located. In accordance with the current terms of the Plan, where the RRDD occurs after the SSDD, the standard ITO arrangements set out in clauses 15.1A and 15.1 of the Plan will apply. The proposed variation to the Plan will therefore create a level of parity between TSS subject to disconnection following SSDD versus RRDD, given the Plan already provides that ITO arrangements will apply for TSS at premises subject to disconnection at the RRDD.

3.3 Extension of disconnection for “late landing” TSS

It is proposed to further vary the Plan to apply the same extended disconnection timeframes for SS In-Train Order Premises to those Premises with “late landing” TSS. These are TSS due for disconnection as at the SSDD, but where the relevant Wholesale Customer or Retail customer has not been notified that Telstra expects to disconnect their service before the date that is 6 months prior to the SSDD. These premises are referred to as *Deemed SS ITOPs*.

Under the Plan, Telstra is obliged to provide Telstra Wholesale Customers and Telstra Retail with an initial disconnection notification via the Preliminary SS Disconnection List by no later than 8 months prior to the SSDD, containing those remaining active in-scope TSS as at 9 months before the SSDD that Telstra expects to disconnect following the SSDD. The proposed arrangements are designed to provide protection for end-users against unintended and infrequent circumstances where Telstra is not able to notify its Customers of TSS in-scope for disconnection within these timeframes. Such a situation may arise where, for example, an in-scope Premises was to be unintentionally omitted from a notification in the event of an address matching issue arising between NBN Co's and Telstra's systems.

Providing an extension of time for the disconnection of Deemed SS ITOPs will assist to protect service continuity for impacted end-users by providing more time for RSPs and end-users to take action to migrate the impacted services to alternative networks, prior to the commencement of mandatory disconnection activity.

The following is a description of the proposed changes within the Plan and the supporting RMs 5(A) and 5(C)-5(E) required to facilitate the introduction of the SS ITO arrangements and Deemed SS ITOPs:

Relevant Section of the Plan	Proposed Amendment
Clause 7.4 First and last dates on which orders for disconnection can be lodged	Consequential amendment to cl.7.4(c) related to acceptance of disconnection orders for TSS as a result of the amendments to cl.22.5 below
Clause 22.1 – Direct Special Services will continue to be supplied up to the Disconnection Date for each SS Class	Amending cl.22.1(a) to clarify that Telstra can continue to supply existing TSS at Premises that are SS In-Train Order Premises or Deemed SS ITOPs beyond the SSDD for the applicable SS Class.

¹ The timeframes for the SS Service Disconnection Phase for TSS covered by RM 5(A) are longer, as set out in section 3.1 above.

² The timeframes for the Principal Disconnection Window for TSS covered by RM 5(A) are longer, as set out in section 3.1 above.



Relevant Section of the Plan	Proposed Amendment
Clause 22.5 – Disconnection processes for each SS Class	Amending cl.22.5(c) to clarify that an SS Disconnection Process may also provide for extended timing of disconnection of SS In-Train Order Premises and Deemed SS ITOPs after SSDD
Clause 22.8 – Disconnection of Direct Special Services Clause 22.9 – Disconnection of Special Service Inputs	Consequential amendment to cl.22.8(a) and cl.22.9(a) to clarify that standard disconnection timeframes that apply following SSDD for an SS Class will not apply at Premises that are SS In-Train Order Premises or Deemed SS ITOPs
Clause 16 – Disconnection of All Premises to be completed by the Designated Day	Consequential amendment to cl.16(b) to include TSS at Premises that are subject to an “extended date for disconnection” as excepted Premises to the Designated Date requirements
Schedule 7 RM 5(D) and 5(E) – Clause 2.1 Application of this Required Measure 5(D) / 5(E)	Consequential amendment to cl.2.1(c) to recognise the application of cl.7A within these RM 5s
Schedule 7 RM 5(A), and 5(C) – Clause 5.1 Commencement of the SS Order Stability Period Schedule 7 RM 5(D) and 5(E) – Clause 5.1 No moves or changes for Covered Special Services	Consequential amendment to clarify the application of the SS Order Stability Period to Premises that are SS In-Train Order Premises and Deemed SS ITOPs
Schedule 7 RM 5(A) and 5(C) – Clause 6.6 SS In Train Order Premises List notified to Wholesale Customers Schedule 7 RM 5(D) and 5(E) – Clause 6.5 SS In Train Order Premises List notified to Wholesale Customers	New clause to clarify Telstra will produce a list of SS In-Train Order Premises within 15 BDs of the date which is 2 months before the SSDD, based on notification received from NBN Co. In turn, Telstra will notify Wholesale Customers of the SS In-Train List as soon as reasonably practicable, and on an equivalent basis with Telstra Retail
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7.1 SS Final Disconnection List and Clause 7.2 Final Notification for Wholesale Customers before the Disconnection Date	Amending cl.7.1 and 7.2 to clarify that Telstra will update its database for SS In-Train Order Premises notified by NBN Co and that SS In-Train Order Premises will remain on the SS Final Disconnection List
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7.3 Final Notification for Wholesale Customers after the Disconnection Date	New clause to clarify NBN Co will notify Telstra of the SS In-Train Order Premises it identifies at the SSDD. Once Telstra has received this notification, Telstra will create the SS Updated Final Disconnection List within 10BD of the SSDD. In turn, Telstra will notify Wholesale customers of the SS Updated Final Disconnection List as soon as reasonably practicable after it is produced (and on an equivalent based to Telstra Retail). Telstra will also notify Wholesale customers as soon as reasonably practical after the SSDD of any TSS it has identified as being supplied to Deemed SS ITOPs as at the SSDD.
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7A.1 Application of Clause 7A	New clause to clarify that application of clause 7A is limited to Premises with TSS in a Covered SS Class, where the SSDD for that SS Class is after the RRDD in which the Premises is located



Relevant Section of the Plan	Proposed Amendment
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7A.2 Categories of SS In-Train Order Premises	New clause to set out the basis for the recognition of an order as a SS In-Train Order and for Premises to be recognised as SS In-Train Order Premises by NBN Co as at 2 months prior to the SSDD and again at the SSDD. These are set out in the varied Plan as: (1) receipt of an eligible nbn connection order (2) an attempted nbn connection order (that meets the relevant criteria) (3) an order at a Premises meeting the relevant location requirements where the replacement nbn service is being provided to a different Premises than the Premises with the TSS (4) an eligible commercial wholesale nbn service has commenced at the Premises in the 4 months leading up to the SSDD
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7A.3 Disconnection of SS In-Train Order Premises and Deemed SS ITOPs following Special Services Disconnection Date	New clause to clarify that each Covered Special Service supplied to an SS In-Train Order Premises and Deemed SS ITOPs for a Covered SS Class as at the SSDD can continue to be supplied up until they are required to be disconnected, and that disconnection will commence from 170 BDs after the SSDD
Schedule 7 RM 5(D) and 5(E) – Clause 8.1 Disconnection Arrangements	Consequential amendment to clarify that activities will be based upon the SS Updated Final Disconnection List and also recognise the arrangements that exist for Deemed ITOPs
Schedule 7 RM 5(C) – Clause 8.1 Managed Disconnection Schedule 7 RM 5(D) and (E) – Clause 9.1 Managed Disconnection	Amendment to the SS Principal Disconnection Window to now commence at 15 BDs after the SSDD and complete by 55 BDs after the SSDD. Activities, including the permanent disconnection step, will now be performed based upon the SS Updated Final Disconnection List. Additional clarification has also been inserted to confirm that any Covered Special Service supplied to a Deemed SS ITOP will be treated in accordance with cl.7A.3 above.
Schedule 7 RM 5(C) – Clause 8.2 Service Disconnection Schedule 7 RM 5(D) and (E) – Clause 9.2 Service Disconnection	Amendment to the SS Service Disconnection Phase to now commence at 15 BDs after the SSDD and complete by 25 BDs after the SSDD. Activities will be performed based upon the SS Updated Final Disconnection List
Schedule 7 RM 5(A) and 5(C) – Clause 8.4 Permanent Disconnection Schedule 7 RM 5(D) and (E) – Clause 9.4 Permanent Disconnection	Activities will be performed based upon the SS Updated Final Disconnection List
Schedule 7 RM 5(A) and 5(C) – Clause 9.1 Disconnection of Direct Special Services and Special Service Inputs in a Covered SS Class where the Rollout Region Disconnection Date is after the Special Services Disconnection Date Schedule 7 RM 5(D) and 5(E) – Clause 10.1 Disconnection of Direct Special Services and Special Service Inputs in a Covered SS Class after the relevant	Amendment of the existing clause to add sub-clause cl.9.1(b) (per RM 5(A) and 5(C)) / cl.10.1(b) (per RM 5(D) and 5(E)) to clarify that the standard ITO arrangements per cl.15.1A will apply for TSS that are ITO Premises required to be disconnected in accordance with the RRDD (where the RRDD occurs after SSDD)



Relevant Section of the Plan	Proposed Amendment
Special Services Disconnection Date and before a Final Sunset Exit	
Schedule 7 RM 5(A), 5(C) – Clause 9.2 Types of Premises removed from the SS Updated Final Disconnection List Schedule 7 RM 5(D) and 5(E) – Clause 10.2 Types of Premises removed from the SS Updated Final Disconnection List	Consequential amendments to incorporate arrangements introduced via cl.7.3(b) of RM 5(A), 5(C), 5(D) and 5(E)
Schedule 7 RM 5(A) and 5(C) – Clause 10 Reporting	Consequential amendments to reporting requirements to the ACCC that reflect the operational amendments to TSS disconnection arrangements in association with the introduction of SS In-Train Orders Premises and Deemed SS ITOPS
Schedule 10 – Dictionary	Definitions for the various terms that have been introduced in association with the changes to both the Plan and the supporting RM 5's including: <ul style="list-style-type: none"> • Attempted NBN Connection Order • Deemed SS ITOPs • SS ITO Period

For ease of review the changes in the table above (for sections 3.2 and 3.3 of this Submission in Support) have been highlighted in **yellow outline** within the marked-up version of the varied Plan.

For clarification, as explained in section 3 above, no changes have been proposed to the disconnection processes contained in RM 5(B) relating to CustomNet Spectrum services.

3.4 Consistency with the MPPs

Telstra considers that the variations to the Plan it is proposing within sections 3.1, 3.2 and 3.3 above are broadly consistent with the MPPs. In particular, Telstra considers that the variations are consistent with the following principles in the MPPs:

- Specific principle 18, requiring Telstra to disconnect TSS in accordance with general principle 10 to ensure disconnection occurs in way that minimises disruption to the supply of fixed-line carriage services; and
- Specific principle 28 for Required Measures and replacement schedules setting out a process, and associated timetable, under which Telstra will provide the ACCC with prior written notice of, and an opportunity for the ACCC to disallow, a replacement schedule to incorporate processes associated with the disconnection of special services, developed in accordance with specific principle 18.

3.5 No ITO for TSS migrating to non-nbn based networks

Telstra' understands from RSPs that they have concerns that their end users, who wish to purchase alternate services not supplied over the nbn, could be disrupted or disadvantaged in the absence of an ITO arrangement applicable to the migration of these services. Telstra is strongly supportive of a network agnostic approach to TSS ITOs.

However, as noted above, the current variations proposed do not cover services migrating to non-nbn networks. Telstra is hopeful that commercial agreement can be reached with NBN Co to extend the TSS ITO arrangements to also apply on a network agnostic basis.



4. Minor additional amendments to promote the orderly disconnection of TSS

Telstra is also proposing four minor variations to the Plan and RMs, which are designed to protect service continuity and promote the orderly disconnection of TSS. In summary these are:

- Replicating the extended disconnection arrangements set out in the Plan for Changed Technology SS Premises (**CTP**) for a new category of Premises, termed *Delayed Notification SS Premises (DTP)*. Currently, the Plan provides a disconnection extension of not less than 12 months for Premises where NBN Co notifies Telstra of a change in Access Technology (**AT**) for the affected TSS within 6 months before the DD (i.e. for CTP). The proposed amendments will afford the same minimum 12 month extension for Premises where NBN Co only notifies Telstra of the AT for the affected TSS for the first time within 6 months before the DD (i.e. also for DTP) (details in section 4.1 below).
- To clarify the intent of the existing drafting in the Plan regarding CTP disconnection extensions, specifically that these provisions do not apply where no SSDD has yet been determined at the time NBN Co notifies Telstra of the relevant change in AT; and to make some minor procedural adjustments to the proposed process for disconnecting CTP to promote orderly disconnection and a consistent approach to the disconnection of both CTP and DTP (details in section 4.2 below).
- To extend the time available to Telstra to complete permanent disconnection of services under RM2 and RM3 from 45BDs after the RRDD by 10BDs, to 55BDs after the RRDD. This small change is designed to ensure that Telstra has sufficient time to complete the permanent disconnection of services in an orderly manner, factoring in that these disconnections will in future include the permanent disconnection of both standard services and more complex TSS as well as the expected increases of volumes of overall permanent disconnections as the scale of the nbn rollout has continued to increase (details in section 4.3 below). For clarification, these changes do not impact existing service disconnection arrangements that apply after RRDD.
- Minor administrative amendments to further clarify the intent of existing obligations within the Plan (details in section 4.4 below)

4.1 Introduction of Delayed Notification SS Premises

As a general principle, NBN Co uses reasonable efforts to notify Telstra (and industry) of which AT NBN Co proposes to use to make each Premises in a Rollout Region nbn serviceable by no later than the date that is 6 months before the RRDD. However, sometimes this is not possible. In these cases, i.e. where the AT is notified very late in the migration window, a TSS that was not previously subject to disconnection could quite suddenly become subject to disconnection.

Under the current terms of the Plan, there is no deferral of Telstra's disconnection obligations in these cases. Accordingly, in these cases there could be a risk of disruption to end-users as a result of end-users and RSPs having inadequate time to migrate the impacted TSS prior to disconnection.

In order to mitigate this risk, Telstra and NBN Co have agreed to introduce arrangements for DTP and Telstra is now proposing associated amendments to the Plan to allow it to implement these arrangements. The disconnection arrangements for DTP are designed to provide Wholesale Customers and Retail customers with extended disconnection periods in which to migrate their impacted TSS from Telstra's legacy copper network to replacement solutions in accordance with the service continuity objective.

Table 1 below sets out the out the proposed process and timelines for disconnecting DTP. For consistency, Telstra has sought to align the disconnection process for DTP to those already in force under the Plan in respect of CTP (as amended by the proposal in section 4.2 below).



As with CTP, the general rule for DTP is that where NBN Co first notifies Telstra of the AT for a Premises at which a TSS is supplied after the date which is 6 months before the relevant DD for the Rollout Region in which that Premises is located, disconnection will occur no earlier than 12 months after NBN Co first notifies Telstra of the AT. As described in Table 1 below, whilst this general rule establishes an extended minimum timeframe for mandatory disconnection, the basis that each DTP (and CTP per section 4.2 below) will proceed to disconnection, is to be determined with reference to the timing of receipt of the AT notification from NBN Co having regard to the status of the RRDD and the SSDD associated to the applicable Covered SS Class.

Table 1: Process and Timeline for Disconnecting DTP

<i>If Telstra is first notified of the AT...</i>	<i>...and the SSDD of the notified AT....</i>	<i>...then mandatory disconnection occurs from ...</i>
Between DD-6 and RRDD	Is before RRDD	the first date which is the second Wednesday of a month that is at least 12 months after the Premises RRDD
	Is after RRDD	the later of (a) the SSDD for the AT and (b) the first date which is the second Wednesday of a month that is at least 12 months after the Premises RRDD
	Has not been determined	(once the SSDD has been determined) the SSDD for the AT
After RRDD	Is earlier than the date that is 12 months after NBN Co's notification	the first date which is the second Wednesday of a month that is at least 12 months after NBN Co's notification
	Is after the date that is 12 months after NBN Co's notification	the SSDD for the AT

For example, where NBN Co notifies a change in the AT at a Premises at which a TSS is supplied after the date which is 6 months before the RRDD in which that Premises is located (and the RRDD occurs before SSDD), Telstra will disconnect that TSS at the later of either (1) the SSDD for the AT, or (2) the first date which is the second Wednesday of a month that is at least 12 months after the Premises RRDD.

The relevant sections of the Plan proposed to be varied are summarised as follows:

Relevant Section of the Plan	Proposed Amendment
Clause 22.1	Amendment to cl.22.1(a) and cl.22.1(b) to clarify that Telstra can continue to supply existing TSS to a Premises that is a DTP in accordance with the extended arrangements introduced per cl.22.13A, or as otherwise specified in an SS Disconnection Process under clause 0
Clauses 22.8 and 22.9	Consequential amendment to cl.22.8(b) and cl.22.9(b) to clarify that, where an RRDD occurs after SSDD, arrangements will apply per the applicable process specified for the relevant SS Class in an SS Disconnection Process
Clause 22.13A – Extended Disconnection timeframes for Delayed Notification SS Premises	New clause establishing the extended disconnection arrangements applicable to DTP
Clause 22.15	Consequential amendment to cl.22.15(d) clarifying the application of the SS Order Stability Period to DTP



Relevant Section of the Plan	Proposed Amendment
Schedule 3 RM 2: Clauses 4.1; 7.1 and 7.4	Consequential amendments to cl.4.1(c)(ii), cl.7.1(a)(iii)(C) and cl.7.4(d) respectively within RM2 to clarify that DTP (and CTP) are exceptions to the disconnection process
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clauses 2.3; 3.1 and 5.1 RM 5(A) and 5(C) – Clause 6.1 / RM 5(D) and 5(E) – Clause 6.6 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7.1 RM 5(A) and 5(C) – Clause 9.2 / RM 5(D) and 5(E) – Clause 10.2 RM 5(A) and 5(C) – Clause 9.3A / RM 5(D) and 5(E) – Clause 10.3A	Consequential amendments to various clauses within RM5(A) and 5(C)-5(E) which set out the disconnection process for TSS within a Covered SS Class that are required to facilitate the introduction of the extended disconnection arrangements that will apply for DTP
Schedule 10 – Dictionary	Definitions for the new terms that have been introduced in association with the changes to both the Plan and the supporting RM 2, 5(A) and 5(C)-5(E) comprising: <ul style="list-style-type: none"> • Delayed Notification SS Premises • Delayed Notice Extension Date

For ease of review, the changes in the table above (for section 4.1 of this Submission in Support) have been highlighted in **blue outline** within the marked-up version of the varied Plan.

For clarification, no changes have been proposed to the disconnection processes contained in RM 5(B) relating to CustomNet Spectrum services in association with the introduction of DTP, regardless of their AT status. This is a result of Telstra having previously announced a full national product exit and Telstra will, subsequent to this Plan variation, separately be proposing a variation to the RM 5(B) disconnection arrangements. That variation will include proposed changes to reflect the agreement reached with NBN Co.

4.2 Amending the date of disconnection for Changed Technology SS Premises

To assist with ease of operational implementation and alignment with the processes proposed for the disconnection of DTP, Telstra proposes some minor administrative changes to the processes for disconnecting CTP which are currently set out in the Plan. Further, some additional drafting has been proposed to clarify that the extensions to the disconnection timeframes for CTP do not apply if the SSDD has not been determined at the time NBN Co notifies Telstra of the change in AT.

To date, no TSS have been required to be disconnected in accordance with the existing extended disconnection timeframes for CTP (as per clause 22.13 of the Plan). It is therefore not expected that these minor amendments will have any material operational impact on RSPs.

The relevant sections of the Plan proposed to be varied are summarised as follows:



Relevant Section of the Plan	Proposed Amendment
Clause 22.13	cl.22.13(a), 22.13(a)(i), 22.13(a)(ii) and 22.13(b) have been amended so that the disconnection arrangements for CTP align with the disconnection arrangements that have been introduced for DTP (per cl.22.13A) cl.22.13(a)(iii) has been introduced to clarify that the changed technology extension does not apply to a TSS when NBN Co notifies Telstra of the change in AT and neither a standard Telstra product exit process or a White Paper Disconnection Date has been announced for the applicable SS Class
Schedule 3 RM 2: Clauses 4.1; Clause 7.1 and 7.4	Consequential amendments to cl.4.1(c)(ii), cl.7.1(a)(iii)(C) and cl.7.4(d) respectively within RM2 to clarify that CTP (and DTP) are exceptions to the disconnection process
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 3.1 RM 5(A) and 5(C) – Clause 6.1 / RM 5(D) and 5(E) – Clause 6.6 RM 5(A) and 5(C) – Clause 9.2; RM 5(D) and 5(E) - Clause 10.2 RM 5(A) and 5(C) – Clause 9.3 / RM 5(D) and 5(E) – Clause 10.3	Consequential amendments to various clauses within RM5(A) and 5(C)-5(E) which set out the disconnection process for TSS within a Covered SS Class that are required to align the disconnection process for CTP with the disconnection process for DTP
Schedule 10 – Dictionary	Definition for new term, Changed Technology Extension Date, that has been introduced in association with the changes to both the Plan and the supporting 5(A) and 5(C)-5(E)

For ease of review, the changes in the table above (for section 4.2 of this Submission in Support) have been highlighted in **green outline** within the marked-up version of the varied Plan.

Similar to DTP in section 4.1 above, no changes have been proposed to the disconnection processes for CustomNet Spectrum products as contained in RM 5(B), in association with the proposed amendments for CTP, regardless of their AT status. This is a result of Telstra having previously announced a full national product exit and Telstra will, subsequent to this Plan variation, separately be proposing a variation to the RM 5(B) disconnection arrangements. That variation will include proposed changes to reflect the agreement reached with NBN Co.

Consistency of the changes in sections 4.1 and 4.2 above with the MPPs

Telstra considers that the proposed variations relating to CTP and DTP support the disconnection of fixed-line carriage services to occur in a way that is consistent with the MPPs: particularly specific principle 18. This is because the proposed variations ensure the Plan continues to set out the process by which Telstra will use to manage and implement the disconnection of each class of TSS (including the process and timelines by which Wholesale Customers will be advised when Telstra intends to disconnect TSS from a separating network). Furthermore, by extending the timeframe for disconnection for DTP and CTP the proposed variations ensure an appropriate timeframe for disconnection, and are thus consistent with the general approach promoted by the MPPs of a managed, incremental disconnection regime which minimises disruption to the supply of fixed-line carriage services.



4.3 Extension of timeframes for the Permanent Disconnection of Premises in association with the Disconnection Date for that Rollout Region

Under the current terms of the Plan, unless a relevant extension to the disconnection timeframe applies (e.g. for ITO Premises), once the RRDD for a Premises has passed, Telstra is required to complete service disconnection by 35 BDs after the RRDD and then has a further 10 BDs within which to complete permanent disconnection.

Telstra proposes an operational amendment to RMs 2 and 3 set out in Schedule 3 of the Plan, to extend the time available to it to complete permanent disconnection by an additional 10 BDs. This amendment is designed to ensure that Telstra has sufficient time to complete the permanent disconnection of services at premises subject to disconnection following the RRDD in an orderly manner.

This change will be implemented through a simple change to the terms of RM2 and RM3 to require Telstra to complete permanent disconnection by 55 BDs after RRDD (rather than 45 BDs after RRDD). For clarity, there is no change proposed to the existing requirement in the Plan for service disconnection to be completed within 35BDs after the RRDD (nor any change proposed to the steps which precede service disconnection, such as the application of Soft Dial Tone).

Telstra has proposed this change based on operational experience in performing the permanent disconnection step to date, noting that there has been a significant increase in the volumes of services needing to be disconnected since the existing requirements were originally proposed in December 2014. This increased volume includes ULL services which are more time consuming to permanently disconnect. Telstra anticipates that this additional time will assist to complete the permanent disconnection step in a more orderly manner (including updating records, closing the account and finalising the billing). The change also recognises the increased complexity associated with completing permanent disconnections of TSS that will come into scope where the RRDD occurs after the SSDD.

The relevant sections of the Plan proposed to be varied are summarised as follows:

Relevant Section of the Plan	Proposed Amendment
Schedule 3 RM 2 Clause 5.2 / RM 3 Clause 4.2	Amendment to the end date of the Primary Disconnection Window within RM2 cl.5.2(a) and RM3 cl.4.2(a) from 45 BDs after RRDD to 55 BDs after RRDD Further amendment inserted to RM2 cl.5.2(c) and RM3 cl.4.2(c) to clarify that Managed Disconnection is based upon service disconnection
Clause 26.1	Consequential amendment to the Performance Standard metric at cl.26.1(ii)(c)
Schedule 10 Dictionary	Consequential amendment to the definition of Active Eligible Premises

For ease of review, the changes in the table above (for section 4.2 of this Submission in Support) have been highlighted in pink outline within the marked-up version of the varied Plan.

Consistency of the change in section 4.3 above with the MPPs:

Telstra considers that the proposed variation supports the disconnection of fixed-line carriage services to occur in a way that is consistent with the MPPs: particularly specific principles 12 and 13.

Specific Principles 12(6)(d) and 13(4)(d) require the Plan to disconnect premises within 45 BDs after the Disconnection Date for the relevant Rollout Region. This reference to 'disconnect' is to service disconnection (which is the element of the disconnection process that affects end users), and not to the consequential full decommissioning of a Copper path or HFC Line under the Definitive Agreements (which is referred to under the Plan as 'permanent disconnection'). As services will continue to be



service disconnected in accordance with the existing timeframe of 35 BDs, Telstra considers that this change is consistent with principles 12 and 13 of the MPPs.

4.4 Other administrative amendments to provide further clarification

The following changes are administrative in nature that are intended to further clarify the intent of existing obligations within the Plan.

Relevant Section of the Plan	Proposed Amendment
Clause 22.11	Administrative amendment to cl.22.11(a) to recognise the intended application of the arrangements for the disconnection of Double-Ended service addresses to Special Services Inputs (covered by clause 22.9) in addition to Direct Special Services (covered by clause 22.8). Similar amendment to cl.22.11(b) to recognise the intended application to Special Services Inputs.
Schedule 7 RM 5(A),5(C), 5(D) and 5(E) – Clause 2.2	Consequential amendment to cl.2.2(a) to recognise the intended application of the arrangements for the disconnection of Double-Ended Special Services in respect of Special Services Inputs
Schedule 7 RM 5(A) and 5(C) – Clause 3.1	Consequential amendment to cl.3.1(b) to recognise the intended application of the arrangements for the disconnection of Special Services Inputs and other minor amendments to the existing clause to provide clarification
Schedule 7 RM 5(A), 5(C), 5(D) and 5(E) – Clause 7.1	Minor amendments to the existing cl.7.1(c)(i) and (iii) to provide clarification
Schedule 7 RM 5(A) and 5(C) – Clause 9.1; RM 5(D) and 5(E) – Clause 10.1	Consequential amendment to the existing clause to recognise the intended application of arrangements for the disconnection of Special Services Inputs
Schedule 7 RM 5(A) – Clause 6.5 and 9.2	Minor amendments to cl.6.5(a) and cl.9.2(a)(iii) and (iv) of RM 5(A) to provide clarification

Consistency of the changes set out in section 4.4 above with the MPPs:

Telstra considers that the proposed variation supports the disconnection of fixed-line carriage services that are Double-Ended Special Services and SSIs to occur in a way that is consistent with the MPPs by promoting orderly disconnection and service continuity.

5. Conclusion

The amendments set out in this submission introduce a number of important refinements to the Plan which reflect our ongoing operational experience with the migration process.

Telstra submits this varied Plan to the ACCC for approval under section 577BF(2) of the *Telecommunications Act*, and looks forward to industry feedback as facilitated by the ACCC.