



8 October 2024

The Manager
National Interests Section
Australian Communications and Media Authority
PO Box 13112 Law Courts
Melbourne Victoria 8010

Dear ACMA,

Re: More and Tangerine joint submission on ACMA's proposal to amend the ECS Determination

Background

More Telecom Pty Ltd (**More**) and Tangerine Telecom Pty Ltd (**Tangerine**) are carriage service providers (**CSPs**). More and Tangerine do not own or operate the mobile network used to deliver the mobile services that they resell. Instead, More and Tangerine have wholesale agreements in place with Telstra Wholesale, which is our upstream carrier and mobile network operator. These agreements allow each entity to resell the wholesale mobile services provided by Telstra Wholesale to More and Tangerine end customers.

More and Tangerine (**we, us, our**) are supportive of the purposes of the proposed amendments to the *Telecommunications (Emergency Call Service) Determination 2019 (ECS Determination)*, which aims to help ensure members of the Australian community are using mobile devices capable of accessing the emergency call service (**ECS**). However, as set out below, we have several concerns with the ECS Determination in its current draft form. Our responses have been set out according to the 'Issue' headings outlined in the ACMA consultation paper, *Emergency Call Service Determination: Proposed changes to ensure mobile phones can access the Triple Zero (000) emergency call service*.

ACMA Issues 3 and 4 – section 62 and section 63

The current drafting of section 62 requires a CSP to identify whether the customer's device is configured to be able to access the ECS before supplying a service to a customer. To comply with this section, we would need to:

1. make technical changes to our checkout flow to capture a customer's device information so as to be able to identify the device configuration;
2. compare the information collected during checkout process against a database supplied to us of device configurations that allows a customer to access the ECS;
3. return a result in real time in order to notify the customer that their phone is not configured to be able to access the ECS (as required under s 63(2)(a)) and not supply that customer with carriage services (as required under s 63(2)(b)); and

4. update our website checkout flow and/or post-check out communications to be able to provide customers who are using a phone not configured to be able to access the ECS with information about mobile phones, including low or no cost devices (as required under section 63(2)(c)).

The above changes required to our systems and/or processes raise several material potential compliance concerns:

- As an MVNO, we do not own or operate our own mobile network. We therefore do not have internal data sources that would enable us to identify whether the mobile phone that a new customer proposes to use with our supplied mobile service is configured to enable access the ECS. We additionally do not have any existing agreements with Telstra Wholesale, or any suitable third party, for the provision of such data.
- The current draft ECS Determination does not contain any obligations on wholesale providers for them to provide us with data that would assist us in meeting our obligations under sections 62 and section 63 of the draft ECS Determination.
- We are not a reseller of mobile devices and as such we may not be able to provide customers with up-to-date or reliable information about alternative mobile phones (including low cost or no cost mobile phones) that can access the ECS, as required under section 63(2)(c) of the draft ECS Determination.
- There is significant development work involved in updating our website checkout, and it is unlikely that we could complete this work by the proposed commencement date of 1 November 2024.

ACMA Issues 5 and 6 - section 64 and section 65

Ahead of the 3G network shut down, we have received flat files from Telstra Wholesale which have allowed us to identify customers using devices that may be impacted by shut down and to communicate with them about these impacts. We consider that ongoing receipt of this file from Telstra Wholesale, or an API configuration equivalent, would likely be suitable to enable us to identify whether an existing customer begins to use a mobile device that can no longer access the ECS, thereby complying with obligations under section 64(a) of the ECS Determination.

However, we note that in order comply with section 64(b) of the draft ECS Determination, we would require Telstra Wholesale to additionally pass on data received from other network operators that enables us to identify whether an existing customer begins to use a mobile device that can no longer access the ECS, even if Telstra Wholesale's own mobile network is unavailable.

As per our comments under ACMA Issues 3 and 4, we are wholly reliant upon Telstra Wholesale as our network operator to be able to provide us with the required data to comply with any obligations under section 64 and section 65. Without ongoing provision of data from Telstra Wholesale, we believe we will be unable to comply with the amendments to the ECS Determination. Telstra Wholesale has not yet provided us with confirmation as to whether it is able to supply this data, and if so, how regularly it could be supplied to us.

Additionally, there is significant work involved in setting up communications to be able to provide customers with phones not configured to access the ECS with the rolling set of notifications and to cease supply of any carriage service as required under section 65 of the draft ECS Determination. Even if we can obtain the required data from Telstra Wholesale on an ongoing basis, we have material concerns about our ability to complete the work required to meet our obligations under section 65 by the proposed commencement date of 1 November 2024.

We are unable to start designing compliance solutions and planning internal technical, comms and other required resourcing to support this project until we understand what data will be available to us

and what mandatory obligations we will have under any final amendments to the ECS Determination as they apply to MVNOs like Tangerine and More that don't own or operate mobile network infrastructure.

Thank you for the opportunity to share our views on the proposed changes to the ECS Determination and we look forward to the outcome of the consultation.

Kind Regards,

Rebecca Ward

Rebecca Ward
General Counsel &
Head of Risk and Compliance