

18 October 2024

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Dear Paul,

Response to Telecommunications (Customer Communications for Outages) Industry Standard 2024 Consultation

Thank you for the opportunity to provide feedback on the proposed *Telecommunications (Customer Communications for Outages) Industry Standard 2024*. We appreciate the Australian Communications and Media Authority's (ACMA) efforts to improve the information provided to users of communication services during major and significant local outages.

As the ACMA will be aware, NBN Co (**nbn**) provides wholesale broadband services to Retail Service Providers (**RSPs**) and is responsible for the operation of the physical 'Layer 2' and 'Layer 3' broadband networks providing wholesale broadband services to RSPs to facilitate the sale of retail broadband products and services to end-users, both residential and business.¹

nbn has reviewed the ACMA's draft Industry Standard in the context of **nbn**'s existing outage notification procedures that currently are used for all types of network outages, including those used for a range of causes and extent of impact. **nbn** encourages the ACMA to adopt measures in its final Standard that will enable the use of industry's existing relationships and communication channels between end-users, their RSPs and others across the supply chain to the greatest extent possible.

We offer the following comments to assist in aligning some aspects of the draft Standard that would be helpful to streamline for all entities within the telecommunications carriage service supply chain and encourage clear messaging to end-users and the general public.

Notice to end-users

nbn supports the overarching goal of the proposed industry standard, particularly the emphasis on timely, relevant, and accessible communication to end-users during major and significant local outages. It is

¹ nbn offers certain satellite services on the Layer 3 network.



important to note that while a network outage may occur on the **nbn** network, **nbn** does not have full visibility of all the services offered to an end-user by their RSP over the **nbn** broadband network.

As the wholesale network provider within the supply chain, **nbn** depends on its access seeker RSPs to relay the information **nbn** provides to them where an outage on the **nbn** network, for whatever reason, impacts those individual broadband services provided to their customer base. **nbn** supports the structure of the draft industry standard for carriers where it mirrors existing industry practice. That is, the provider that has the contractual relationship with the end-user and provides the relevant retail services is the appropriate entity to provide those end-users with network outage information. That provider will have access to the end-user's contact details, the most comprehensive understanding of the services being delivered, including those provided in addition to a retail **nbn** broadband service, and can offer accurate and timely updates about which services are impacted by a network outage.

The draft Standard applies the right focus on carriers providing the necessary information to other carriers or carriage service providers (**CSPs**) with whom they have a commercial arrangement, and for those providers who have a direct relationship with end-users to provide appropriate notice to them. This reflects current industry practice which will: 1) make compliance more readily achievable in the timeframes for which implementation of the Standard must be applied; and 2) enable notification processes for major and significant local outages to be consistent with other network outage notification processes already used for outages that fall outside the scope of the Standard.

nbn notes Division 1 focuses on the information stream from carrier through the supply chain to the end-user. It would also be helpful for **nbn** to be similarly notified by downstream carriers or CSPs (or RSPs) if they experience a major or significant local outage in their networks (i.e. not within the **nbn** network). This information could assist in understanding where end-users of **nbn** services are impacted and enable **nbn** to respond with any assistance that could be made available. The availability of such timely information from CSPs to **nbn** will also help to provide clarity to **nbn** that may be incorporated into communications related to the outage.

Notice to the public

nbn offers a network status and outages page on its website where the general public can confirm whether a network outage may be detected at an individual premises and advise an estimated time of restoration where available. The page also encourages end-users to contact their RSP to log a fault if they are experiencing an issue with their service. Contacting their RSP enables customers to determine who best to contact and which alternative services may still be operating. For customers, especially businesses, that may have multiple providers, or back-up services, this is particularly important.

Where additional information about a major or significant local outage is required to be provided on the website of a carrier under clause 13, it should be noted that this information may differ slightly to any direct communication an end-user may receive from their RSP, including the types of carriage services impacted or likely to be impacted, and details about how end-users can obtain additional information or assistance during the outage. Therefore, in those circumstances, content required under sub-clauses 14(1) (e) and (g) may not be relevant for **nbn** to supply.



Notice to other providers and stakeholders

The requirement under clause 17 to share information with other carriers or CSPs who have not already been notified under Division 1 may pose some implementation challenges. On the one hand, as mentioned above, it would be useful to understand if other networks within a state or in geographic area experience a major outage, e.g. a mobile network provider, so **nbn** could adjust its own activity to ensure end-users have access to the **nbn** network during the outage period.

On the other hand, it will not always be clear to the impacted carrier or CSP which other carriers or CSPs are either operating within a geographic area or if their end-users may be affected by the outage. **nbn** notes there are resources such as the ACMA's SIP register that could be checked but this would not capture all providers that offer services to end-users in an impacted outage area.

As a result, compliance with clause 17(1) may be difficult to attain where a carrier or CSP does not have full visibility of all other carriers or CSPs that may be operating in an outage impacted area, and as a result cannot know to share information with them, especially if new contacts and processes are required by the implementation timeframe of 31st December 2024 for major outages. **nbn** suggests that, while the objective of this clause is laudable, more time is needed to develop information sharing procedures across industry to help meet this new requirement.

Types of outages covered in Industry Standard

nbn agrees that planned outages should not be included in the scope of the Industry Standard. It is highly unlikely that planned outages will ever be organised on such a scale to impact the number of SIOs contemplated by both proposed definitions of major and significant local outage. There are separate notification protocols that are used by industry to notify impacted parties of planned outages, including those used by **nbn** in our own arrangements with access seeker RSPs.

nbn notes clause 19 excludes outages solely or primarily due to a natural disaster. **nbn** would appreciate clarification on the treatment of telecommunications network outages caused by power outages, particularly where these are not caused (or not solely or primarily caused) by natural disasters themselves. There are circumstances when power outages lead to telecommunications network disruptions and carriers and CSPs have limited opportunity to identify and rectify the cause of the power outage or notify end-users of the timeframes in which rectification of telecommunications services may occur. Clear guidelines on whether carriers and CSPs would still be required to provide notification would assist providers understand the scope of their responsibilities under the Standard.

Notification triggers

nbn is supportive of the approach the ACMA has taken in not prescribing a specific timeframe by which the first notices should be provided, rather "as soon as possible" after the carrier or CSP realises an outage that meets the definitional threshold has occurred. Time will be needed to investigate the extent of an outage, including whether it meets the threshold triggered by the Standard's outage definitions, and its likely cause



and impact before this information can be disseminated to all relevant stakeholders. Carriers' and CSPs' responses should be given flexibility to address the crisis at hand, not be hampered by prescribed timeframes that may not be suitable in the circumstance of the event.

nbn suggests reference throughout the Standard to “as soon as possible after a carrier or carriage service provider reasonably suspects that there is, or will be, an outage” should be amended to “as soon as possible after a carrier or carriage service provider becomes aware of an outage...” Given the extent and breadth of communications that will be required under the Standard, a carrier or CSP should be given the opportunity to confirm an outage that meets the definitional thresholds has occurred before notification obligations commence. Notifications that are made upon suspicion of an outage occurring, only to find this suspicion is incorrect, are likely to lead to end-user confusion and a potentially detrimental public perception of those notifications issued when they are genuinely required.

I trust these suggestions are helpful and look forward to further engagement with the ACMA as work progresses on making the final instrument. If you have any queries or concerns regarding the comments above, please contact Xanthe Corbett-Jones at [REDACTED].

Yours sincerely,

Sarah Anderson

General Manager, Regulatory Affairs

