

Uniti Group's submission – Response to proposal to make the Telecommunications (Customer Communications for Outages) Industry Standard 2024

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Non-confidential

1 Overview of Uniti Group

Uniti Group is a core digital infrastructure and solution provider, aiming to create the infrastructure and technology that connects people, business, buildings, cities and things to each other and a world of possibilities. We do this through three arms – building and operating wholesale access networks predominately fibre to the premise, operating a CPaaS (Communications Platform as a Service) business and a retail business providing telecommunications services to consumers and businesses. We are proudly owned by a consortium of highly regarded core digital infrastructure investors, led by Morrison & Co, Brookfield Asset Management and Commonwealth Superannuation Corporation.

Opticomm wholesale access network

Uniti Group includes a number of licensed carriers whom, in aggregate, operate under the Opticomm brand, and build, own and operate wholesale access networks over multiple technologies (including FTTP, HFC, FTTN) providing superfast broadband services. Opticomm is the No. 1 independent provider of fibre network infrastructure for greenfield housing. Opticomm provides wholesale access to its network on open access non-discriminatory commercial terms to over 60 retail service providers (in an equivalent but not identical manner to NBN Co), who use the network to supply consumers and businesses with telecommunications services.

CPaaS Enterprise Services

Uniti Group also operates a CPaaS (Communications Platform as a Service) business under several enterprise brands which deliver intelligent voice, SMS and communication solutions. We design, develop and deliver state-of-the-art network services and communications and analytics solutions to small business, enterprise and government organisations. This includes 1300Australia which licences the use of phonewords.

Retail

The Uniti Group also includes Uniti Retail, a retail service provider of telecommunications services to consumers and small businesses across Australia using the OptiComm network, under several brands including Uniti Internet and Harbour ISP.

Opticomm and Uniti Retail are party to an ACCC approved Functional Separation Undertaking (FSU) for the supply of local access lines (LAL) to residential premises.

2 Uniti Group's response to the proposed Standard

Uniti Group is made up of a number of Carriers (Opticomm) and carriage service providers (CPaaS Enterprise Services and Retail) and, as such, is uniquely positioned to provide comment on the proposed Telecommunications (Customer Communications for Outages) Industry Standard 2024 (the "**Standard**") from those varied perspectives. Set out below are the key areas that Uniti Group considers need to be refined in order to implement a Standard which achieves the desired outcomes for both End Users and the telecommunications industry.

3 Major Outage definition needs additional refinement

Uniti Group is concerned that the current draft Major Outage definition could inadvertently catch outages impacting significantly less than 500,000 customers, and which would not otherwise meet the threshold of a Significant Local Outage. This could occur where a Carrier or CSP had

only a small number of SIOs in a particular State and all of these were impacted by an outage. Such an outage could be below the 50,000 SIO threshold to be a Significant Local Outage but be caught by the Major Outage definition.

In addition, for CSPs with a small number of SIOs in a particular State, the current draft Major Outage definition could require a CSP to treat a particular outage as a Major Outage, because it affects all the CSP's services in a State, but not require the Carrier supplying the CSP to treat it as a Major Outage. This could lead to a situation where the CSP is required to provide updates every two hours, but the Carrier supplying that CSP would not have an obligation to provide the CSPs with updates at the same frequency, and therefore end users will not end up with meaningful updates.

These perverse outcomes could be avoided by including an additional threshold in the definition of a Major Outage, as suggested below, or removing (b)(ii) altogether from the definition and just relying on the 500,000 SIO threshold.

major outage means any unplanned full or partial unavailability of a telecommunications network used by a carrier or carriage service provider to supply carriage services to end-users that:

- (a) results in an end-user being unable to establish and maintain a carriage service; and
- (b) affects, or is likely to affect:
 - (i) 500,000 or more of the carrier's or carriage service provider's services in operation; or
 - (ii) 100,000 or more of the carrier's or carriage service provider's services in operation ~~all carriage services provided by a carrier or carriage service provider~~ in a single State or Territory; and
- (c) is expected to be, or is, of a duration longer than 30 minutes.

4 SIO Threshold below which the Standard should not apply

For smaller Carriers and CSPs, the Standard will impose obligations which are onerous and impractical. For example, where a Carrier or CSP has a small number of SIOs, then obligations to make public announcements, particularly for CSPs in circumstances where an upstream Carrier also has those same obligations, would impose additional costs without a corresponding benefit to end users or the public.

We propose that there be a minimum SIO count which a Carrier or CSP is required to have before the Standard applies. We suggest 20,000 SIOs would be a reasonable threshold.

5 Some proposed notification obligations are onerous and impractical

The requirement in Section 17(1) for CSPs/Carriers to notify downstream CSPs/Carriers with whom they have no contractual relationship is onerous and impractical. An upstream CSP/Carrier will not necessarily have any visibility of downstream relationships beyond their original supply relationship, and requiring them to obtain this information and keep it up to date in order to provide outage notifications in a timely manner is a disproportionate response. Notification obligations should be limited to parties where a contractual relationship exists.

It would be useful for the industry if the requirement to notify relevant stakeholders was further particularised, so that it was express who are the relevant stakeholders in particular situations and the appropriate notification mechanisms to follow, to avoid misunderstandings and inadvertent failures to notify relevant stakeholders due to differing interpretations.

6 Content of notifications should be refined

Section 14 should be refined to clarify:

1. that Wholesale Carriers, who do not have any visibility of or direct contact with end users, are not required to comply with Section 14(1)(g), other than to suggest that end users contact their Retail Service Provider for further information.
2. the types of assistance that Carriers or CSPs are expected to provide to end users during an outage. The use of “additional information or assistance” is very broad and will not provide clarity to end users about what they can expect from their telecommunication service provider.

7 Timing of implementation

In order to allow sufficient time for Carriers and CSPs to refine their processes to reflect the Standard, we recommend the Standard for Major Outages commence on 31 December 2024 and for Significant Local Outages on 30 June 2025.

