

23 April 2008

Committee Secretary  
Senate Standing Committee on Environment,  
Communications and the Arts  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

*By facsimile: 02 6277 3526*

Dear Secretary

Optus is pleased to provide a submission to the Senate Standing Committee on Environment, Communications and the Arts inquiry into the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008.

Optus has publicly endorsed the Government's decision to maximise competitive tension the tender process for a National Broadband Network (NBN) by ensuring all potential bidders have equal access to network information.

Optus has confirmed with Government its willingness to voluntarily provide network information to the Department of Broadband, Communications and the Digital Economy (DBCDE). We also note the submission by the DBCDE notes that "most carriers, including Telstra, have demonstrated that they are willing to consider giving this information voluntarily".

This initiative will mean parties interested in participating in a roll-out of a new national broadband network are not precluded from the process by a lack of information about existing network infrastructure.

Detailed information on the physical location of Telstra's existing PSTN and its constituent elements (exchanges, ducts, pillars, fibre and copper) is critical to allow proponents of a NBN to finalise a legally binding bid under the Government's Request for Proposals to Roll-out and Operate a National Broadband Network for Australia (RFP).

A national broadband network to 98 per cent of Australia's premises necessarily involves knowledge of extensive network elements currently operated by Telstra and governed by access arrangements.

In order to maximise the number of competitive and compelling bids from interested parties other than Telstra, it is paramount that all bidders have equitable access to network information.

Optus recognises the owners of network information may have legitimate confidentiality concerns about making this information available.

Optus supports initiatives to address these concerns and believes the Telecommunications Legislation Amendment (National Broadband Network) Bill 2008 has applied appropriate non-disclosure obligations on recipients of protected network information.

We note the DBCDE has noted “additional measures” could be put in place through making of legislative instruments depending on the type of information that is ultimately sought. Optus agrees with incorporation of the following measures in a legislative instrument to further secure the confidentiality of network information:

- establishment and maintenance of effective security measures to safeguard protected carrier information;
- establishment and maintenance of effective auditable procedures for ensuring compliance with its trusted company officers’ obligations; and
- destroy or return all protected carrier information if required to do so by the Commonwealth.

A critical issue for consideration by the inquiry is not merely the issue of access, but the nature of the information to be made available to bidders.

Optus has provided to Government its views on the entire network information that will need to be made available to allow interest parties to fulfil the requirements of the RFP.

Optus notes the submission by the DBCDE provides a “high level overview” of the types of information that may be specified and how the information may be useful to proponents for the NBN. It is Optus view that the information detailed in the submission, if made available to proponents, would be allow competitive bids to be lodged under the RFP.

The submission by the DBCDE suggested a draft instrument specifying relevant information about existing infrastructure may cover:

- Information about core optical fibre transmission networks;
- Information about microwave radio core transmission networks;
- Locations of points of interconnection; and
- Details about the network servicing customers, from the exchange to the customer premises allowing proponents to determine costs and performance parameters.

To assist the inquiry, at Attachment A is a detailed account of the full network information that would need to be made available to ensure a level playing field for all potential respondents to the Governments RFP.

However, Optus is very concerned the consultation period proposed under section 531C(1) may be too short. The section proposes a mere 3 business days for consultation on the draft instrument to determine that specified information is 'designated information'. Optus proposes this section be amended to provide for 5 business days.

For further information or clarification of any of these statements please contact Dean Smith, General Manager, Government Affairs, on 02 8082 8005.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Krishnapillai', with a stylized flourish at the end.

Maha Krishnapillai  
**Director, Government and Corporate Affairs**

## **Attachment A**

### **Network Information Requirements**

Following are the network details Telstra should be required to provide to ensure a level playing field for all potential respondents to the Government's proposed tender for the National Broadband Network.

#### **1. Network Architecture**

- (a) High level metro and regional network diagrams, showing all ESAs and DAs at current date.
- (b) Regional/state/area diagrams detailing Telstra's:
  - Exchanges/data centres.
  - Interconnecting transmission network:
    - Hubs or Nodes (CMUx / RIMs) all pair gain equipment.
    - Optical fibre plant, capacity (no. of fibres), route diagrams, splice points, ducts and whether in ground or overhead.

#### **2. Network Design, for each ESA**

- (a) Fibre / Cable Placement:
  - Total number of DA's & pillars.
  - Details of all copper distribution and local cables, including route and utilisation.
  - Details of all joints / splices.
  - Details of all parallel or multiple pairs, t-joints, stubs etc.
  - Details of all pit and pipework, including planned and as built drawings.
- (b) Fibre / Cable Specification:
  - Copper and Fibre Specifications.
  - What Joints, Pillars, FTP or ODF's are used?
  - Are any remote copper / fibre test management systems used?
- (c) Capacity - Installed, Equipped, Used:

- Provide a breakdown of capacity by the various cables.
  - How is capacity management of the various cables handled.
  - Details of all pillar jumpering.
- (d) Design / As-Built records:
- What system / medium is used to design, record and maintain changes to the network? (Hard copy system, software package, spreadsheets etc.)
  - Provide details of Customer orders.
- (e) Provide details or a list of all products and services offered including published sales based delivery times, costs and SLAs.
- (f) List any major projects that are still being constructed or provisioned:
- Who is doing it (Vendor, contractor, in house).
  - Outstanding “snag lists” (environmental, cable, shelters, electronics).
  - Outstanding warranty issues.

### **3. OH&S Requirements**

Details of specific site / region based OH&S requirements as well as an index of all specific OH&S policies.

### **4. Customers / Products**

- Details of all existing customer services, the type and owner (e.g. Linesharing, Spectrum Sharing, ULLS etc).
  - Details of all “Special Services”, their characteristics, contracts and connectivity.
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