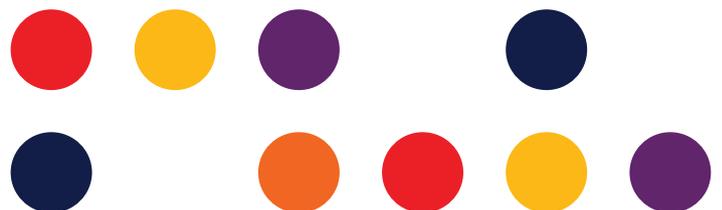


TPG Telecom Submission on the draft Telecommunications (Customer Communications for Outages) Industry Standard 2024

Australian Communications and Media Authority

20 October 2024

Public



Submission

TPG Telecom welcomes the opportunity to provide a submission in response to the ACMA's consultation on the *Telecommunications (Customer Communications for Outages) Industry Standard 2024* (the **draft Standard**). References to sections refer to the draft Standard, unless otherwise noted.

TPG Telecom contributed to and supports the submission by Communications Alliance, including the alternative drafting proposed. This submission offers further insights into the practical challenges associated with implementing the proposed amendments, beyond the industry level comments provided in the submission of the Communications Alliance.

In making this submission we have had close regard to the *Telecommunications (Customer Communications for Outages) Direction 2024* (the Direction) and its accompanying Explanatory Statement. Where we have proposed alternative approaches to amending the Determination, we have also explained why we consider these to still be consistent with the Direction given to the ACMA.

In TPG Telecom's view, there are alternative amendments that can be made to the Industry Standard that remain consistent with both the underlying policy intent and the Direction issued by the Minister for Communications.

About TPG Telecom

TPG Telecom is Australia's third-largest telecommunications provider and home to some of Australia's most-loved brands including Vodafone, TPG, iiNet, AAPT, Internode, Lebara and felix.

We own and operate nationwide mobile and fixed networks that are connecting Australia for the better.

Issues for comment

Question 2: Is the definition of a major outage appropriate? If not, why not?

TPG Telecom supports the definition of 'major outage' proposed by Communications Alliance.

We submit that the 30 minutes proposed in the current drafting would be unworkable in practice and support the uplift of to 60 minutes. While we will always respond urgently to a major outage, we question the level of assistance provided where the outage has been resolved by the time the impacted end-user receives a communication or information is published.

Further, the concept of 'significant unplanned adverse impact' is key, to ensure the definition only captures scenarios where services are so degraded the end-user can't use the core aspect of the service. Service interruptions may occur on a particular element of a network (for example, the availability of 5G), that play no role in the end-user's ability to establish and maintain a carriage service (where a 4G remains available). There must be a threshold within the definition to ensure unintended regulatory impacts and unnecessary communications are avoided. The use in the current definition on the function of the network - *full or partial unavailability of a telecommunications network* - does not deliver the same clarity as the focus on impact to the end-user through the proposed redrafting.

Question 3: Does the definition of 'significant local outage' meet the objective of the direction that it should capture outages that are lesser in scale than major outages, but have a significant impact on local communities?

No, as the current definition does not contain a reference to connect the impact to a defined local geographic area, adding complexity to interpretation and application.

TPG Telecom supports the definition of 'major outage' proposed by Communications Alliance.

significant local outage means any significant unplanned adverse impact to voice or data services used by a carrier or carriage service provider to supply carriage services to end-users outside of a metropolitan service area that:

- (a) results in an end-user being unable to establish and maintain a carriage service; and*
- (b) affects, or is likely to affect, 50,000 or more of the carrier's or carriage service provider's services in operation in a localised geographic area; and*
- (c) is expected to be, or is, of a duration longer than 6 hours; and*
- (d) is not a major outage.*

With the addition of the impact of the concepts of 'in a localised geographic area', the updated definition of significant local outage will assist TPG Telecom to manage events in areas where end-users experience a significant unplanned adverse impact to voice or data services.

The addition of 'outside of a metropolitan service area' provides further clarity, as metropolitan services areas will commonly have options to enable alternative pathways the ensure an end-user can establish or maintain a carriage services. This becomes more complex in peri-urban, regional, and remote areas. TPG Telecom therefore submits the addition of outside of a metropolitan service area

addresses the core concern, which is access of communities isolated due to significant unplanned adverse impact to voice or data services.

Question 4: Is it appropriate to exempt planned outages and outages caused by natural disasters from the definitions?

Yes. Planned outages should be exempt, as scheduled network maintenance and upgrades fall outside of the intent of the Direction and the guidance provided in the associated Explanatory Statement, which speaks to the Optus outage of 8 November 2023, which sits outside of the circumstances of scheduled network maintenance and upgrades.

Similarly, outages caused by natural disasters should be excluded. The restoration of outages of due to Force Majeure events is complex, and often relies upon activity either by third parties or for the Force Majeure event to end. During such events, communities rely on official sources for information on ongoing actions. Including additional communications may cause information overload without adding value.

Question 5: Are there certain classes of carrier and carriage service provider that should be exempt from the requirements of the standard? Please explain your answer and give reasons for your position.

Yes. TPG Telecom supports the concerns raised by Communications Alliance. As both a Carrier and Carriage Service Provider, we are concerned about the draft Standard's application, especially where we lack visibility of the downstream impacts on end-users during a major or significant local outage.

For example, where NBN has a major outage notify their retail service providers, under the current rules, the retail service providers must notify end-users about the outages and then provide an update every 2 hours. This will lead to replication and confusion, as all updates from NBN to the retail service providers, and the following communications from retail service providers to end-users and the public would need to be in sync with each other and say the same thing.

To avoid overwhelming and potentially contradictory communications, it's recommended to remove the reference to section 12 from section 15. Instead, carriage service providers should direct their end-users to the information made public by the carrier (in this example, NBN) under section 13, fulfilling the real-time information requirement without causing confusion and unnecessary delay, meeting the requirement under section 1(a)(iii) of the Direction to provide real-time information.

The obligation to notify end-users about the rectification of outages under section 16 remains appropriate as a suitable communication for end users as required under the Direction.

Question 6: Should the standard deal with matters differently for different classes of end-users of carriage services supplied by carriers and carriage service providers?

The Standard should focus on consumer customers and the public. We support a definition of end-user that excludes enterprise and government customers.

Enterprise and government customers often have imposed contractual obligations to receive communications in a certain manner or format, which may not be consistent with the expectations proposed in the draft Standard. There may be challenges in avoiding conflicting information or duplication when attempting to comply with both contractual obligations and obligations imposed by

the draft Standard.

Question 7: Are the proposed requirements robust and feasible?

There are technical concerns with achieving the dates as set out in both the Direction and the draft Standard as it applies to major outages. Over late December/early January, TPG Telecom has a technical change embargo period, to avoid any impacts to services and customers over this period. We are concerned that fulsome consideration practical application of the proposed rules has not occurred and will not occur before implementation, due to the compressed timelines and lack of opportunity to review the updated Standard before 14 November 2024.

Additionally, we have concerns on the following specific rules or terms:

- Notification: there is no consideration of communicating with customers during quiet times – that is, communications sent at night. We recommend including rules prohibiting sending direct communications outside certain hours, with the requirement sitting under the public communication option during such times. As a guide, at TPG Telecom we reference the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017*, even in circumstances where it may not be a requirement.
- Cadence of communications: Where there is no material change for the outage, communicating every 2 hours does not appear to be an effective method updating impacted end-users. We are concerned that end-users will be frustrated or begin to ignore communications if they have received several that contain no further assistance or information. We recommend the requirement in section 15(2)(b) be updated to 6 hours to prevent end-user fatigue.
- Rectification: There is currently no definition of *rectification of an outage* within the draft Standard. Is this intended to mean when the major outage or significant local outage is fully resolved or when the major outage or significant local outage falls outside defined threshold of these outages?

Question 8: For carriers and carriage service providers, what are the likely costs and benefits of implementation for your organisation? (Please provide specific cost estimates in your response.) Are there alternative ways to achieve the objective of the direction that would be consistent with its terms and provide for lesser costs or greater benefits?

There are technical matters with achieving the dates as set out in both the Direction and the draft Standard as it applies to major outages. Over late December/early January, TPG Telecom has a technical change embargo period, to avoid any impacts to services over this period. We remain concerned that the timeframes required may cause unintended consequences and costs to achieve the required changes, given the rules may be published as late as 14 November 2024.

Costs are also commercially sensitive information. We are available to discuss potential costings with the ACMA as required but have not included them in this submission. However, we do note that previous ACMA attempts to estimate costs (for example, as approximated in the *Telecommunications (Financial Hardship) Industry Standard 2024* Explanatory Statement) were not accurate in their representation of costs of changes of this nature and underestimated the impact of the required change.

We do note the benefits of clarity for expectations on communications in the event of a major outage or significant local outage are welcome, as it will support our critical and emergency management planning.

Question 9: We are seeking views, and the reasons for them, on the earliest practical date for the standard for major outages to commence in full. This must be no later than 31 December 2024.

As stated above in response to Question 8, the current dates are not reasonable.

Question 10: We are seeking views, and the reasons for them, on the earliest practical date for the standard for significant local outages to commence in full, noting that this must be no later than 30 June 2025.

We support aligning the dates for the application of the rules for both major outage or significant local outage to 30 June 2025, to allow for the required technical and operational changes to be delivered in an effective manner.