

24 August 2015

Ms Nikki Vajrabukka
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Dear Ms Vajrabukka

Migration Assurance Policy Statement and Framework

Thank you for giving the Telecommunications Industry Ombudsman (TIO) the opportunity to comment on the proposed Migration Assurance Policy Statement (the MAP Statement) and the proposed Migration Assurance Policy Framework (the MAP Framework) issued by the Department of Communications.

General comments

The draft MAP Statement and Framework outline clear principles that will promote the seamless migration of existing services onto the national broadband network (NBN). These documents also outline useful guidance on the roles and responsibilities of key stakeholders in the migration process. We particularly welcome the clear statement of the TIO's role and function as a redress mechanism for consumers with complaints about their services as they transition to the NBN.

In this submission, we have drawn on the TIO's experience in handling and resolving NBN related complaints. We have focused our comments on issues arising from consumers' experiences when migrating to the NBN that relate to the principles and guidance outlined in the draft MAP Statement and Framework.

In particular, we have focused on:

- (a) TIO new complaints about NBN related matters
- (b) Specific issues relating to the draft MAP Framework:
 - Pillar 1: Serviceability
 - Pillar 2: Product availability
 - Pillar 3: End user awareness and management
 - Pillar 4: Installation and activation of NBN services, and
- (c) Monitoring and continuous improvements to the migration process.

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TIO new complaints about NBN related matters

In 2013-14 we handled 3,982 new complaints that relate to the national broadband network (NBN), with this figure increasing considerably in 2014-15. The growth in NBN related new complaints is however, not as high as that of active premises which more than doubled across the same period.

We currently handle around 600 to 700 NBN related new complaints each month. These form around five to six per cent of all TIO new complaints each month.

At present, common issues in NBN related new complaints include connection delays, faults and missed appointments. Close to half of NBN related complaints each month involve connection issues.

Consumers tell us that an absence of clear information is a key driver of their concerns about connection of NBN services. Consumers are often uncertain of the options available to them to connect NBN services, especially if there is going to be a significant delay. This is particularly the case for consumers who are currently living in areas (or who have recently moved to an area) where the NBN has been declared ready for service and their existing copper services are scheduled to be switched off, but their property requires further infrastructure work. These consumers tell us that they are not given enough information about when they will receive an NBN service, as well as their options in the interim.

Often, a number of missed technician appointments or repeated rescheduled appointments are very closely linked to complaints about delays in the connection of an NBN service. In some cases, consumers tell us that they are given very short notice of a cancelled appointment without a clear explanation of the reasons why. Sometimes, they do not receive any information until after the appointment has been missed. This can be particularly frustrating for consumers if they have given up their time waiting for a technician to arrive.

A small number of these complaints involve important issues such as premature disconnections, the disclosure of silent numbers and the loss of numbers in the course of migration of services to the NBN. These issues can have significant impacts on consumers, particularly those who are vulnerable.

Specific issues relating to the MAP Framework

Pillar 1: Serviceability

We welcome the new commitments in the draft MAP Framework to improve serviceability. An important new commitment is that nbn will not roll back a premise to an unserviceable status if more infrastructure work is required, and that the retail service provider (RSP)'s order remains intact with nbn while this work is undertaken.

We have and continue to receive complaints about orders for an NBN service 'dropping off' because the serviceability of a particular premise is incorrectly classified. Often, the consumer does not find out that their NBN service order has dropped off until much later when their NBN service is not connected even though the infrastructure work has been completed. This situation can be compounded if the consumer's copper service is then disconnected without the connection of their NBN service.

A related consideration of serviceability is ensuring the accuracy of information about the availability of the NBN at a specific premise after the ready for service date has been declared. When an order is placed by the RSP for an NBN service for their customer, it is important that correct information is given about the serviceability of a particular premise. If an NBN service is not available at that premise, the consumer needs to be told about this, and advised of alternative options.

We continue to receive complaints about incorrect information being given about the availability of NBN services in ready for service areas. In recent complaints to the TIO, consumers told us that their providers advised that they could get an NBN service at their premises. Each time the consumer called their provider about the status of the NBN service, they were told the order had dropped off and had to be placed again. In one complaint, the consumer ended up placing the order four times. In these complaints, the provider eventually confirmed that an NBN service was not available at the consumer's premises.

We suggest the draft MAP Framework include the responsibilities of nbn and the RSPs for ensuring accurate serviceability information is given to consumers in a prompt and timely manner.

Pillar 2: Product availability

We are pleased to see the reiteration of responsibilities in the draft MAP Framework to ensure that new products and over the top services are able to be migrated across to the NBN.

However, it is not clear if the draft MAP Framework adequately covers the migration of enhanced call handling features that are activated on existing standard telephone services.

Enhanced call handling features include call waiting, call forwarding, call barring, calling number display and calling number display blocking. Some of these enhanced call handling features such as call barring and calling number display blocking are important safeguards that enhance privacy protection for consumers. This is more so for those consumers in high risk situations or professions, who rely on these safeguards to protect their safety.

In some recent complaints to the TIO, we were told by consumers that they always had a silent number with calling number display blocking activated on their standard telephone services. However, when their providers migrated these services to the NBN, these consumers' previously unlisted telephone numbers became listed. This was caused by permanent line block 'dropping off' the new orders. The listing of these telephone numbers in public directories gave rise to serious consequences for these consumers, some of whom had to relocate to new premises, and others who had to incur substantial costs to put in place additional security measures at their homes. In some of these complaints, providers paid compensation to these consumers for non-compliance with the Customer Service Guarantee Standard and for breach of their privacy.

We suggest the draft MAP Framework include the responsibilities of nbn and the RSPs for ensuring existing enhanced call handling features on a service are migrated to the NBN seamlessly and without any disruptions. Given the importance of these enhanced

call handling features and the potential for detriment for consumers in high risk situations or professions, we also suggest this issue is included in Pillar 3 of the draft MAP Framework on end user awareness and management.

Pillar 3: End user awareness and management

Consumers and small businesses are very reliant on their telecommunications services. The continuity of those services (including associated features, equipment and over the top services) is particularly important for vulnerable consumers who face an increased risk if the migration of their services onto the NBN results in even a temporary outage of those services. Providing consistent, reliable and timely information to consumers and managing their expectations are important strategies in the draft MAP Framework.

End user redress

We welcome the inclusion of the section on *End user redress* in the draft MAP Framework.

The draft MAP Framework outlines the different responsibilities of various parties – end users, RSPs, nbn and the TIO – to address disputes arising from the migration process. This to some extent will address the current confusion among consumers and RSPs as to the most appropriate party to resolve a particular type of issue.

We continue to receive complaints from consumers who are shuttled between their RSPs and nbn without any clear resolution of their dispute. This is particularly evident when there are delays in connection of an NBN service, if there is inconsistent information about the serviceability of the premises, or if additional infrastructure is required to complete the connection of the service.

The TIO continues to actively work with nbn and the RSPs to resolve these issues. We have put in place various processes to facilitate and encourage engagement between nbn and the RSPs. This, however, is a shared responsibility across all parties involved in the end user redress process.

We suggest the draft MAP Framework include an additional statement that all parties have a shared responsibility to ensure the timely, effective and fair resolution of disputes involving the migration of services over the NBN.

Vulnerable end users: consumers with a silent number

For the reasons outlined above in the section on ***Pillar 2: Product availability***, we suggest the inclusion of consumers who have unlisted or silent numbers, as an additional group of vulnerable end users in the draft MAP Framework. These consumers rely on the specific features associated with their telephone service to reduce risks to their safety. It would be useful to include in the draft MAP Framework the roles and responsibilities of all parties involved in the migration of services that have an unlisted or silent number. This should also include the responsibility to verify that the migration of the service onto the NBN does not result in the loss of the silent number functionality.

Vulnerable end users: consumers with priority assistance

As priority assistance consumers transition to the NBN, they will need to have continued access to a fully functioning priority assistance service. An important

consideration is whether consumers are notified of, and understand, any relevant changes to the infrastructure or the nominated service used to supply their fixed voice service.

Clause 1.6 of Telstra's updated Priority Assistance Policy notes that "to provide Priority Assistance over an NBN service, a Customer will need to agree to their nominated service being provided as a fixed voice service using the UNI-V (analogue) port on the NBN Network Termination Device". Telstra's Priority Assistance Policy further requires that the consumer must accept the installation of a battery backup power supply unit where one is not already in place.

We suggest that the draft MAP Framework include the responsibility for RSPs to notify priority assistance consumers of any infrastructure or service-related requirements (or limitations) on NBN services. This is important, not just for existing priority assistance consumers migrating to the NBN, but also for new priority assistance consumers, some of whom may already be on the NBN but who have previously selected a voice service through a data port rather than a UNI-V service.

We further suggest that the draft MAP Framework includes a responsibility on RSPs who do **not** offer priority assistance, to make this clear when marketing or promoting NBN services. From time to time we receive complaints from consumers who believe they have a priority assistance service even though their provider does not offer this. Sometimes this arises from a genuine misunderstanding on the part of the consumer; sometimes this arises from the omission of a provider at the point of sale or transfer of the service. Incorrect or unclear information about a provider's service offerings and particularly when it does not offer priority assistance, could lead to serious consequences given the potential vulnerability of these consumers.

Pillar 4: Installation and activation of NBN services

As noted above, a common issue in NBN related complaints to the TIO is connection delays. We also receive a small but steady number of NBN related complaints about the premature disconnection of copper services.

We welcome the inclusions in the draft MAP Framework that make clear the parties responsible for the completion and testing of the NBN service, and for this to be confirmed before a copper service cancellation is requested. It is important that these responsibilities are clearly understood by all parties involved in the migration process, including what to do to rectify any premature disconnections.

One issue perhaps not sufficiently addressed in the draft MAP Framework is the responsibility for porting of numbers in the course of migration of services onto the NBN. We have started to receive complaints where consumers have been told by their providers that they cannot retain their existing landline numbers, and that they would need to get a new number to migrate onto the NBN. These consumers are not told why this might be the case.

We suggest this issue is clarified in the draft MAP Framework, and for the inclusion of responsibilities on RSPs to inform consumers if there are any limitations to porting an existing number onto the NBN. Consumers should also be told if there are any options available to retain their existing number.

Monitoring and continuous improvements to the migration process

We support the regular review of the draft MAP Statement and Framework so that these documents are continuously updated to incorporate learnings from the migration process. The timely updating of the MAP Framework would also be necessary to reflect the multi-technology mix model for the NBN as and when this begins to be rolled out.

Continuous improvements to the migration process would be critical to facilitate consumer confidence in early migration and early take up of NBN services.

We also suggest a timeframe is included for the regular review of the MAP Framework.

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Yours sincerely



David Brockman
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