

Compass Communications submission on the Draft Fibre Information Disclosure Determination 2021

Disclosure of information to ensure Equivalence

Compass considers that that Fibre Information Disclosure reporting requirements should include information that enable Access Seekers to ensure that equivalence and non-discrimination obligations under the Act and the deeds are being met.

For an Access Seeker to make an assessment on whether an LFC is providing it with an equivalent service, there are three questions around equivalence and non-discrimination to consider:

1. Equivalence between Access Seekers or service providers
2. Equivalence between an Access Seeker and an LFC related party
3. Equivalence between an Access Seeker and an LFC itself, where the LFC supplies a service to itself.

Disclosure of Service Levels per Access Seeker.

An Access Seeker has very limited visibility of the assure and fulfil service levels that LFCs deliver to other Access Seekers as this data is considered confidential. It could be published with anonymised data with Access Seeker names removed but this is not currently done. Using “industry averages” is not good enough and may hide what is really going on. For example, there is no way to know if the average time to resolve a one Access Seeker’s faults is 3 days compared to another Access Seeker’s average fault resolution time of (say) 5 days.

Information to allow an Access Seeker to compare service levels that they receive relative to other access seekers should be disclosed. The service levels that the LFC has provided to itself should also be included in any service level disclosure report.

Disclosure of Input Services

Currently, there is no way for an Access Seeker to know if the LFC is delivering equivalence between an Access Seeker and the LFC itself at a product level. This is because when the LFC delivers a service to itself (often as part of an end-to-end or bundled product) the LFC is not required to disclose the breakdown of these products or “sub-services” that it supplies to itself to build the overall product.

In theory, each of those sub-services that the LFC uses to deliver a product should also be available for Access Seeker to buy as well, but because they are not defined or disclosed, they remain opaque to the Access Seeker.

Where these “sub-services” or products are available, there is currently no information disclosure of the service delivery timeframes for these when the LFC supplies the service to itself, in order for an Access Seeker to draw any fair comparison. Relying on a crude measure such as it taking longer for an upstream input service to be provisioned than it

takes for the downstream service to be provisioned is not sufficient to ensure that a breach of equivalence and non-discrimination has not occurred.

Disclosure of Provisioning Rules and Methodologies

Where services are provisioned by LFCs as an end-to-end or bundled product, differences in service levels will exist compared to a service that is provisioned by the LFC as individual components.

For example, an intra-CO fibre (also known as Intra Candidate Area Backhaul service) may be provisioned under one order with a connecting service such as a Handover Connection or DFAS Service forming a bundled service, or may be provisioned as two separate orders, one for an intra-CO fibre and another order for the connecting service. The ordering method used is prescribed by the LFC.

Where an LFC has more than one method for provisioning, applying changes, or augmenting a service, Access Seekers will experience differences in service levels and costs.

If a service is provisioned by an LFC as a bundled service, this also affects the reconfiguration options available to an Access seeker and the ability of the Access seeker to change or modify one of the service components. Information Disclosure of the LFCs provisioning rules governing the differences in provisioning methods and when and where an LFC applies one provisioning method applies over another would ensure transparency around the consistency of application of these provisioning methods.

Disclosure of Handover Connection Port Utilisation and Availability Information

Handover Connections between the LFC's and Access Seeker's networks are critical infrastructure required by the Access Seeker in order to offer and expand the coverage of their retail services and deliver growth to their businesses. Delay in the supply of Handover Connections can lead to congestion on existing Handover Connections and impact on the service levels that Access Seekers can deliver to End Users.

Recently, as demand for bandwidth has increased, supply of Handover Connections has fallen behind the demand at some of the POIs as defined in the Notice of points of interconnection under section 231 of the Telecommunications Act 2001 -19 December 2019. Handover Connection forecasts provided by Access Seekers to LFCs has not prevented these shortfalls.

It is imperative that Access Seekers have a considerable notice period of any constraint in the supply of Handover Connections at POIs. If Access Seekers are required to use alternative methods of interconnection, such as the use of different interconnect locations or a "tail extension" service, it may take considerable time for Access Seekers to re-architect and re-engineer and rebuild their networks to accommodate these alternatives.

The use of Link Aggregation Groups (LAGs) where individual Handover Connections can be teamed together is an important facility for increasing handover capacity. However, LFCs

may have constraints on delivering LAGs as depending on equipment vendor and LFC product development, LAGs may require spare Handover Connection ports on the same network card or chassis as the existing Handover Connection.

Compass recommends that for each POI, LFCs should disclose monthly Handover Connection Availability reports that include current Handover Connection port utilisation, free port availability, information on LAG availability and a minimum 12 month forward looking forecast covering expected port demand and scheduled port augmentations.