

Sent: Monday, 16 June 2008 3:41 PM
To: Regulatory
Subject: National Broadband Network Regulatory Framework Submission

G'day,

My name is Ben and I am a broadband user, one of those people that seem to have been forgotten about in this whole process of tendering for the national broadband network. The regulatory framework the new network exists within is more important than the actual network itself, as it will protect broadband users like myself, and maintain my ability and right to choose my broadband provider, and how broadband is delivered to me.

Whoever builds and operates the new network should not have any say in the retail operations of the network, and should act as a wholesaler only. In this way we can prevent the situation that is occurring now between Telstra/Bigpond, who own and operate the copper network, and have a monopoly in backhaul links around the country, and other Internet Service Providers. This situation is characterized by Telstra stifling other ISP's efforts to improve their product for their customers. For example ISP's wanting to put their own infrastructure into Telstra exchanges are hindered by the artificial capping of exchanges for competitors, and archaic access requirements that are tantamount to unfair abuse of market position. However Telstra's Bigpond is not hindered by the same access requirements. Bigpond also has an unfair advantage in the provision of ADSL 2+ services for users not connected to the exchange by a direct copper path. I myself am connected to a RIM / CMUX device (which is in effect a Node located DSLAM as is being proposed in the NBN) that has a DSLAM collocated. I therefore cannot access ADSL 2+ with anyone except for Bigpond, as Telstra refuse to allow competitors to co-locate DSLAMS in RIM / CMUX devices. This situation could be avoided if the network operator did not have an inherent interest in disallowing competitors access to these devices.

Secondly, when the network is built, it does not need to disconnect users from the current network. The hardware exists to maintain the current infrastructure, as well as incorporate a new SDSL service that would operate from a Node located DSLAM. There is no technical reason for full cut-over to a new network. If a full cut-over occurs, not only will it result in upset customers who may be forced to pay more for a service they already enjoy, or that suits their needs, but it will reduce choice, competition and innovation. The current network needs to be maintained, and built upon, in conjunction with a new node based network.

That's my 2 cents worth.

Benjamin Shaw