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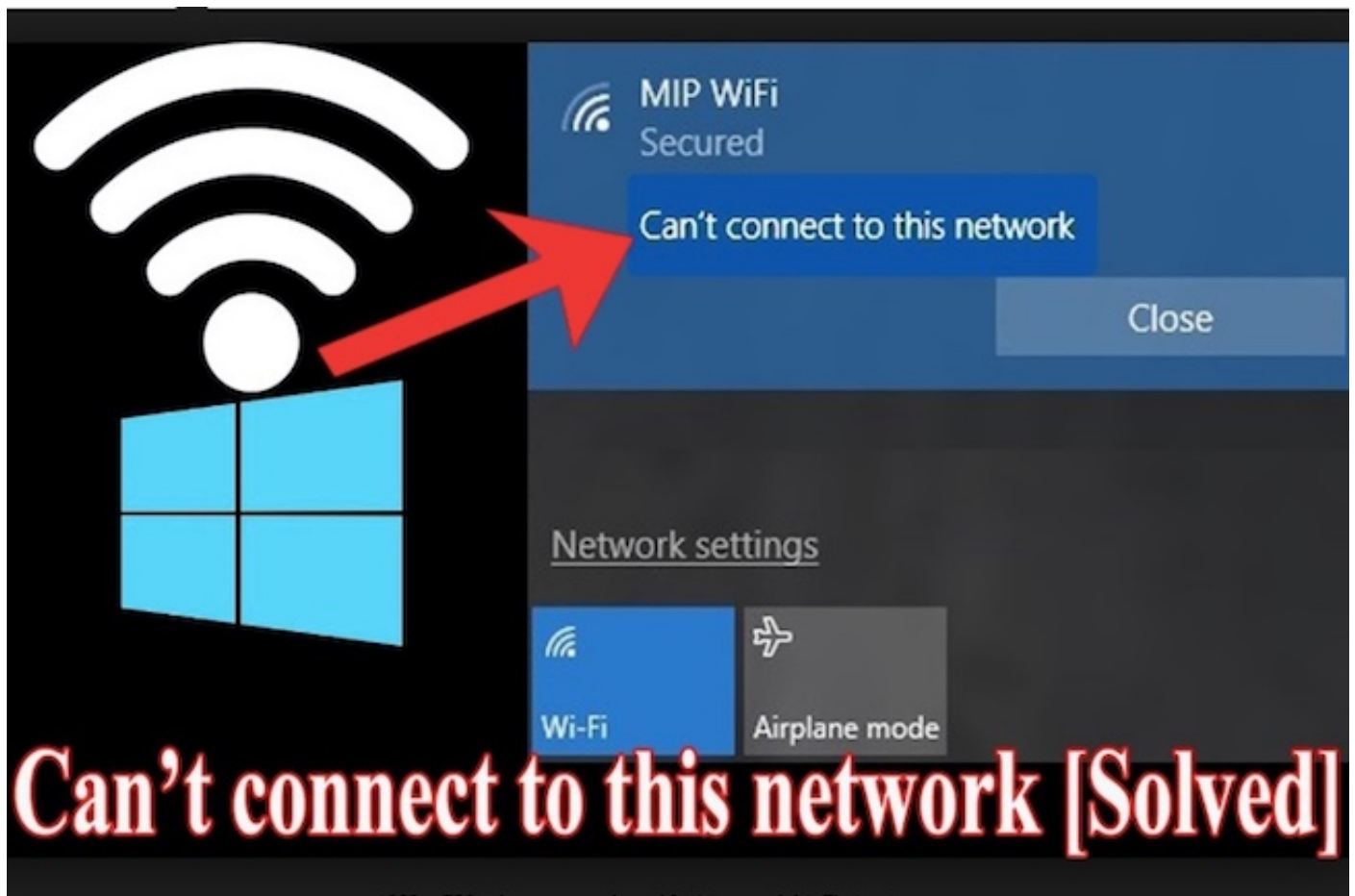
An iTWire publication

[www.itwire.com](http://www.itwire.com)

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Friday 24 May 2019

## ACCC GUIDE FOR NBN FIXED-WIRELESS COMPO



CommsWire (ISSN 2202-4549) is published by iTWire Pty Ltd. 18 Lansdown St, Hampton, Vic, 3188

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## ACCC PUBLISHES GUIDE FOR NBN FIXED WIRELESS COMPENSATION

Australia's competition regulator, the ACCC, has published a guide for NBN fixed wireless customers, advising them how to seek compensation when they encounter problems with broadband services, including slow speeds.

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The Australian Competition and Consumer Commission has also updated its guidance for retailers about how to advertise broadband speed claims.

The commission's guidance comes as customers on fixed wireless networks, many living in regional and rural areas, are still facing broadband congestion during the busy evening period.

- ▼ [How to check if you are connected to fixed wireless](#)
- ▼ [ADSL and landline-based voice services](#)
- ▼ [Speed issues with fixed wireless](#)
- ▼ [Addressing fixed wireless congestion](#)
- ▼ [Talking to your ISP about fixed wireless](#)
- ▼ [What to do if you are experiencing reduced speeds](#)
- ▼ [Troubleshooting guide](#)
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And many fixed wireless broadband customers are not getting speeds anywhere near the maximum advertised in their plans, according to the ACCC.

This could be due to factors including distance from the nearest tower, line of sight issues or congestion on individual cells, and the ACCC says NBN Co has committed to provide broadband providers with information about congested cells, and is working to reduce congestion for fixed wireless customers.

The ACCC's guidance gives advice on how consumers can seek compensation or other remedies from their provider if they receive poor speeds, how they can get more information about their service, and explains the nature and limitations of fixed wireless services.

It also offers customer tips on how to get the most out of their broadband service while the fixed wireless network is being upgraded.

"We're publishing this guidance to help fixed wireless consumers be more confident in seeking redress from their service provider if their speeds are lower than represented," ACCC chair Rod Sims said.

The ACCC says fixed wireless broadband is used by about 280,000 consumers in regional

and remote areas.

Table 1: Example hourly averages

Day 1

Monday	Plan with maximum speed of 12 Mbps	Plan with maximum speed of 25 Mbps	Plan with maximum speed of 50 Mbps	Plan with maximum speed of 100 Mbps
7 pm-8 pm	5 Mbps	20 Mbps	42 Mbps	83 Mbps
8 pm-9 pm	8 Mbps	16 Mbps	42 Mbps	82 Mbps
9 pm-10 pm	8 Mbps	21 Mbps	44 Mbps	87 Mbps
10 pm-11 pm	10 Mbps	22 Mbps	46 Mbps	40 Mbps

Day 2

Tuesday	Plan with maximum speed of 12 Mbps	Plan with maximum speed of 25 Mbps	Plan with maximum speed of 50 Mbps	Plan with maximum speed of 100 Mbps
7 pm-8 pm	8 Mbps	20 Mbps	39 Mbps	85 Mbps
8 pm-9 pm	8 Mbps	22 Mbps	40 Mbps	78 Mbps
9 pm-10 pm	12 Mbps	25 Mbps	20 Mbps	90 Mbps
10 pm-11 pm	11 Mbps	20 Mbps	44 Mbps	94 Mbps

In March 2019, 3% of cells on fixed wireless towers were congested, NBN figures show.

However the proportion of services affected by congestion is higher than this figure as there are numerous services connected to each cell, Sims said.

“Consumers in rural and remote areas, like those in any other parts of Australia, should not be paying for speeds that they are not getting.”

The ACCC has also extended its industry guidance on speed claims in advertising to include fixed wireless broadband. This guidance sets out the ACCC’s expectations for how broadband providers should advertise NBN speeds to consumers.

“Providers have a responsibility to deliver a service that meets the speed and performance that they advertise,” Sims said.

“If services fall short of what has been advertised, broadband providers must offer remedies, technical support and information to customers.

“The ACCC will continue to address consumer issues in the provision of broadband services, including misleading speed and performance claims made by providers.”

According to its statement, issued on Thursday, the ACCC says it has recently consulted on measures to further boost transparency and improve outcomes for consumers of fixed wireless services as part of its [NBN wholesale service standards inquiry](#) – and is currently considering responses to the consultation.

To access the ACCC’s consumer guidance [click here](#), and for the industry guidance [click here](#).

**Peter Dinham**

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# OPTUS APOLOGISES FOR OUTAGE, SAYS ISSUES COMPLETELY FIXED

**Any Internet issues faced by Optus users on Thursday have been individual service-related issues, Australia's second largest telecommunications company says, adding that these were not related to the overnight outage reported in these columns.**

The [overnight issues](#) on Wednesday affected some international internet, streaming or gaming services, a spokesperson said.



"Access to those platforms and websites remains stable. However, we encourage customers to contact us if they have other issues they require assistance with," the spokesperson said, adding that regular updates would be provided in the event of

any further issues.

A spokesperson from Aussie Broadband told *itWire*, meanwhile, that the failure of a piece of hardware in Melbourne belonging to Vocus Communications appeared to be at the root of the Internet issues dogging a number of providers on Thursday.

Inquiries were made with Aussie Broadband as this writer uses their service and many sites did not load on Thursday, including the *itWire* home page. However, all these pages did load when accessed through a VPN.

Contacted for comment, a Vocus spokesperson said the provider had no live incident notifications at the moment.

Many providers appear to have been forced to use back-up links, leading to very slow ping times.

The spokesperson for Aussie Broadband told *itWire*: "[The] latest update is that the team think they've narrowed it down to a piece of hardware with Vocus in Melbourne (which may explain why other ISPs seem to be having some issues as well).

"We've re-routed traffic which means most services are now back up and running, but the fault is ongoing in the background and we're going to try a software upgrade shortly to see if that will provide a permanent fix."

Around afternoon the issues that appeared to be dogging the loading of sites hosted in the US or using peering arrangements with US providers seemed to settle down.

**Sam Varghese**



## John de Ridder

Telecommunications Economist

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## CHINESE BRANDS DOMINATE, BUT EUROPE SMARTPHONE SALES DOWN

Smartphone sales in Europe during the first quarter of 2019 fell 3% year-on-year and 20% quarter-on-quarter, the analyst firm Counterpoint Research says, adding that there was a marginal increase in eastern Europe while Western Europe saw a 6% year-on-year drop.

Samsung retained the top position with 31% (compared to 30% in 2018) while Huawei was second with 26% (up from 15% in 2018) and Apple brought up the rear, finishing third with 21%, a drop from 23% last year.

Counterpoint Research director Peter Richardson said: "The smartphone market declined mainly due to a lengthening replacement cycle and lack of innovation in new models.

"Some people are waiting for 5G services. Commercialisation of 5G is starting in Europe operators such as Swisscom and Sunrise in Switzerland. However, we think the impact on the market in 2019 will be modest."

Europe Smartphone Shipment Market Share (%)	Q1 2018	Q1 2019
SAMSUNG	30%	31%
HUAWEI	15%	26%
APPLE	23%	21%
XIAOMI	5%	4%
ALCATEL	1%	2%
OTHERS	26%	16%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>

Sales of brands from Chinese companies grew by a record 39%, the figures showed. Of this growth, research analyst Abhilash Kumar said: "Chinese brands accounted for 30% of the total smartphone sales in Europe during 1Q2019. Huawei grew a massive 70% year-on-year with the help of its co-brand HONOR. OPPO and Xiaomi are also very aggressive and are strengthening their base in the European market."

Eastern Europe saw a small lift in sales helped by growth in Russia, the Czech Republic, Turkey, and Poland. Apple's share fell to 9% in 1Q2019 from 14% a year earlier.

But Huawei's share grew to 29% from 11% in 1Q2018. Counterpoint said the Eastern European market switched to Huawei, and its co-brand HONOR, because consumers sought budget-friendly phones.

In Western Europe, Counterpoint said Huawei consumed the share of smaller players, including local brands.

What lies ahead may not be so rosy, however. "The recent action by the US to limit sales of certain hardware and software to Huawei, including Google Mobile Services for Android, will have a potentially significant impact on the competitive landscape in Europe during the coming quarters," Counterpoint commented.

**Sam Varghese**

# SPARK WARNED OF 'LIKELY' LAW BREACH ON BROADBAND PRICING

**New Zealand competition regulator, The Commerce Commission, has warned the country's largest telecommunications carrier Spark for what it says is a likely breach of the law in a notification to customers on broadband prices rises.**

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The warning follows an investigation into representations Spark made on its website and in emails in August and September 2018, notifying in-contract customers receiving its copper-based broadband service of its decision to increase the price by \$5 a month.

The Commission said in a statement issued on Thursday that in its notification to customers, Spark's contractual terms and conditions stated that they would not change the monthly charge for in-contract customers "without either gaining the customers' consent or giving them the option to cancel their contract without early termination fees".

"However, when Spark notified customers of the price rise on its website and in email communications, Spark focused solely on the \$5 a month price increase and did not explain that if customers did not consent to the price rise they had the right to terminate their contract without penalty," the Commission said.

Commissioner Anna Rawlings says in the Commission's view, Spark has likely breached the Fair Trading Act by making false or misleading representations about the existence or effect of its customers' rights when it notified them of the price rise.

"In the Commission's view, customers reading Spark's notification of the price rise would have assumed that Spark had a right to increase price without discussing it with the customer and that the customer had no choice but to accept the price increase," she said.

"In fact, customers who did not agree to the price rise, could terminate the contract without incurring an early termination fee and could take up a more acceptable offer elsewhere if they wanted to.

"When communicating with customers about price increases, businesses need to clearly and accurately represent any contractual rights customers may have if they do not accept the price increase.

"Businesses must not create the impression that prices can be unilaterally increased if that is not permitted by the contract, or if consumers are not bound to accept the increase," Rawlings cautioned.

The Commission says Spark has responded to the Commission's inquiries by updating information on its website and sending updated information to customers affected by the price rise.

**Peter Dinham**

## NOKIA, UMOBILE INK DEAL ON MALAYSIAN NETWORK DEPLOYMENT

**Nokia and U Mobile have signed a 3-year contract to deploy a Nokia Single Radio Access Network as well as microwave and IP-based mobile transport technologies in Malaysia.**

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The company says the deployment will enable U Mobile to expand the delivery of mobile data services across Malaysia.

And both companies, say that under a memorandum of understanding, they will also collaborate on a 5G live network trial later this year.

Under the agreement, Nokia says it will deploy a Single RAN Advanced network in greenfield locations in Malaysia, facilitating U Mobile's network expansion and drive to provide customers with a superior data experience.

Nokia says that the deployment also means customers all across Malaysia will be able to further enjoy U Mobile's unlimited innovations.

Nokia cites a recent market report predicting that mobile data usage in Malaysia will double during 2017-2022 to 10.4Gb per user per month, primarily driven by the rising consumption of online video content on smartphones.

According to a statement from Nokia, as a current provider of 3G and 4G mobile services via a combination of its own network and through a RAN sharing agreement, U Mobile wants to extend its network coverage and capacity to address this growing demand with a range of competitive services.

Woon Ooi Yuen, chief technology officer of U Mobile, said: "U Mobile has been aggressively expanding our network across Malaysia in our drive to bring our customers a superior experience.

"We are delighted to be able to leverage on Nokia's expertise in our network expansion journey.

"We are, of course, also looking forward to working with Nokia as part of our Road To 5G Strategy.

"We have in our plan to conduct several 5G live trials with Nokia later this year for various use cases. We already have in place Nokia's AirScale base stations which are 5G-ready and, hence, ready for trials."

"With our extensive end-to-end portfolio we are helping U Mobile to roll out a network that meets its specific needs," said Jae Won, head of Asia Pacific and Japan at Nokia.

"Working together on this advanced network deployment and the upcoming 5G live trials, we can help U Mobile meet its mobile broadband demands while providing a path toward 5G – especially in high-potential areas such as virtual reality and e-sports."

**Peter Dinham**

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