

National  
Broadband  
Network

# **NBN Co Fibre Premises Equipment**

Optional Battery Backup - Informed  
Consent Guidelines and Checklists

**2 October 2014**



**NBN Co Limited**

## **NBN Co Fibre Premises Equipment**

### **The Optional Battery Backup Informed Consent Guidelines and Checklists only applies to orders and installations within the fibre footprint.**

2 October 2014

#### **Disclaimer**

This document is provided for information purposes only. Service Providers must obtain their own legal advice and make their own decisions on the type and extent of information that should be provided to their end users to enable them to make a properly informed decision about whether or not they require battery backup capabilities. The recipient must not use this document other than with the consent of NBN Co and must make its own inquiries as to the currency, accuracy and completeness of this document and the information contained in it.

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#### **Environment**

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## Scope

Where required, NBN Co will install a Power Supply with Battery Backup unit (including the first battery) for an installation of a Fibre Network Termination Device (NTD) to support a Battery Backup Service which can provide continuation of telephone capability for a standard, non powered, home telephone for a limited time in the event of a power failure.

In August 2012, NBN Co foreshadowed in its Corporate Plan it would move from a mandatory Battery Backup Service supported by a Power Supply with Battery Backup to an “Informed Consent” model (for all end users other than Downstream Priority Assistance Services users, for whom Battery Backup Service will remain mandatory), referred to as Optional Battery Backup (**OBB**).

The Informed Consent model will require Service Providers to provide end users with sufficient information to make an informed decision whether to accept or to decline the Battery Backup Service for their NTD, including installation of a Power Supply with Battery Backup. As a result, end users will be responsible for deciding whether their NTD has the Battery Backup Service as part of their selection of their retail service. The exception is end users with a Priority Assistance service, for whom Battery Backup will remain mandatory.

Service Providers will be responsible for ensuring that their end users are provided with sufficient information to enable them to make an informed decision about the Battery Backup Service, and retain records of all communications they have with end users about the Battery Backup Service options and their decision on implementation.

This document describes:

- The Service Provider’s Informed Consent obligations that are contained in the Wholesale Broadband Agreement (**WBA**) and reflect the government’s OBB requirements.
- Types of information Service Providers might provide to end users to seek to meet the Shareholder Ministers’ Informed Consent obligations.
- Materials that NBN Co plans to provide to Service Providers for their consideration for incorporation into their marketing and sales collateral and processes.

**Importantly, these Informed Consent Guidelines and Checklists are to be used as a guide only. Service Providers must obtain their own legal advice and make their own decisions on the type and extent of information that should be provided to their end users to enable them to make a properly informed decision about whether to take the Battery Backup Service or not.**

# Background

## Informed Consent Process

Under the Shareholder Ministers' Informed Consent model for optional battery backup, and the WBA, Service Providers will be required to obtain a formal decision from each of their end users (other than users of Downstream Priority Assistance Services (**PA users**)) as to whether or not they want their Fibre NTD power supply to have NBN Co's Power Supply with Battery Backup and the Battery Backup Service.

"Informed Consent" is the term used in this document to describe the process by which an end user:

1. is sufficiently informed and aware of the effect on the Service Provider's products if NBN Co supplies, or does not supply, the Battery Backup Service in respect of those products, and
2. has used this information to decide whether or not they want that capability to have the benefit of NBN Co's Battery Backup Service.

It is anticipated that Service Providers might seek and obtain Informed Consent from end users (except PA users) via either of the two general paths below.

**Path 1:** Service Providers provide sufficient information to their end users about the Power Supply with Battery Backup and the Battery Backup Service **and** the consequences for telephone and data service operation of not having the Battery Backup Service during a power failure or if the power is switched off at the power point. Information provided should include which devices operate effectively with the Battery Backup Service, the minimum battery runtime and the battery replacement / maintenance obligations.

**OR:**

**Path 2:** Service Providers make clear to their end users **whether the specific services being offered** provide for telephone or data service operation in the event of a power failure or if the power is switched off at the power point (including the nature and extent of that operation). End users should be made aware that an alternative option is available if the offer is not suitable.

Path 1 may be more suitable for high-risk end users including the elderly, medical or security alarm users and others who want or need detailed information on their options. The Shareholder Ministers have indicated that whichever Path is taken, all Service Providers should make clear to end users the service continuity implications associated with the end users' choice and that this would include discussion of issues such as reliance on medical, security and other NBN dependant services, adverse weather events (such as fire and flood) and the accessibility of alternate telecommunications options such as a mobile phone. Information provided should include which devices operate effectively with the Battery Backup Service, the minimum battery runtime and the battery replacement / maintenance obligations.

The use of the Informed Consent process will be required in a range of scenarios including where an end user contacts a Service Provider to:

1. Order a new installation and service over NBN Fibre.
2. Activate a service delivered over NBN Fibre where the NTD is already in place. This may require a second truck roll to install the Power Supply with Battery Backup if the current installation does not have it already installed and the end user has asked for the Battery Backup Service#.
3. Request activation of a port on the NTD.
4. Request a change from Battery Backup Service to non Battery Backup Service or vice versa #\*.

**# Note 1** – Where an end user already has a NTD and service/s in place and connected with a standard Power Supply (no battery backup capability) and requires the installation of a Power Supply with Battery Backup and the Battery Backup Service, it is important they are informed that the Battery Backup Service will not be available until the Power Supply with Battery Backup is installed and that its effective operation depends on the end user using appropriate devices.

**\*Note 2** – It is possible for an end user to move into a premises that has a Power Supply with Battery Backup installed and for the end user to elect not to have the Battery Backup Service. If a Power Supply with Battery Backup is already installed at a premises, it does not automatically imply that the end user must take up the Battery Backup Service and manage battery replacement or ensure the appropriate devices are installed to take advantage of the Battery Backup Service. In this scenario, the informed consent decision will be recorded by the Service Provider, the NBN order will reflect that informed consent has been obtained and that the Battery Backup Service 'is' or 'is not' required for that service. In the event an end user elects not to take the Battery Backup Service and provided they or other users at the premises do not have other services activated with another Service Provider on the NTD with Battery Backup Service, NBN Co recommends removing the battery. In the event of a power failure or if the power is switched off at the power point, telephony and data services over the NBN will not operate.

## Informed Consent Guidelines & Checklists

These Informed Consent Guidelines and Checklists set out some of the types of information Service Providers might provide to end users (excluding PA users) to seek to meet the Shareholder Ministers' Informed Consent requirements in connection with end users' decision on whether or not to take up the Battery Backup Service. Depending on a range of factors, including the circumstances of a particular end user, Service Providers may need to provide more (or different) information. As noted above, Service Providers must make their own decisions on the type and extent of information that should be provided to their end users to enable them to make an informed decision about whether to take the Battery Backup Service or not in the context of their own specific requirements.

## Downstream Priority Assistance Services end users

Battery Backup Service is **mandatory** for end users who request or use Downstream Priority Assistance Services from the Service Provider (i.e. PA users). PA users are therefore not able to choose to not have the Battery Backup Service. Informed Consent is needed in the case of PA users to ensure that required information is provided about Battery Backup Service. Information on how battery backup operates, with what devices, its limitations (including in respect of battery runtime) and battery replacement and maintenance obligations must be provided to PA users. Medical and security alarm needs should be identified and addressed.

## All other end users

As part of the Informed Consent process, Service Providers are to:

1. Identify their end users who have medical and/or security alarms and advise them that, as part of their consideration of the Service Provider's services, they should also discuss their needs and solutions with their alarm provider.

Service Providers should emphasise that Battery Backup Service is highly recommended for these end users, and that further backup in addition to that provided as standard by NBN Co may be required.

When identifying if an end user has a medical alarm the following terms may be useful:

- Pendant (medical alarm)
  - Special cabling (mode 3 wiring)
  - Monitoring centre (back to base medical alarm)
2. Ensure that their end users acknowledge that they have considered and understand the needs of anyone who lives with them when making a decision in connection with Battery Backup Service.
  3. Identify if the household has other calling capabilities during a power failure such as a mobile phone.

## Path 1

**End users are provided with sufficient information about the Power Supply with Battery Backup and the Battery Backup Service and the consequences for telephone and data service operation of not having the Battery Backup Service during a power failure or if the power is switched off at the power point. Based on this information, end users make a decision if they require the Battery Backup Service as part of their NBN installation/activation/modification.**

Information provided should include, but not necessarily be limited to:

- The Battery Backup Service powers the ports supplied and activated on the NTD in the event of a power failure (or if the power is switched off at, or disconnected from, the power point) so that NBN services connected with the required devices can continue to operate for a limited period of time (a total of approximately 5 hours under typical circumstances including the emergency reserve).
- The Battery Backup Service is only applicable to the port/s to which the relevant NBN service is supplied and all relevant RSP modems or gateways and other telephones or devices connected have their own battery backup.
- Which types of devices are, and which types of devices are not, supported by the Battery Backup Service (e.g. cordless phones with battery backup, corded analogue telephones, medical alarms, security alarms etc).
- Images of the equipment in both installation scenarios (NTD with standard Power Supply or NTD with Power Supply with Battery Backup), via the web and email if the end user has convenient access, or in person or through the use of other collateral material.
- Replacement and maintenance requirements of the battery (including expected battery life) and requirements for replacing and recycling of the battery.

## End users who choose to not have the Battery Backup Service

If an end user decides that they do not want the Battery Backup Service, the end user should be informed that:

- No NBN-based services, including telephone and data services, will work in the event of a power failure or if the power is switched off at, or disconnected from, the power point and that they should ensure they have alternative means (such as a mobile phone) to place emergency phone calls; and
- If, in the future, the end user requires the Battery Backup Service (for example due to changed circumstances) an appointment to install the Power Supply with Battery Backup can be arranged (if not already installed). The end user should contact their Service Provider to discuss their changed requirements.
- Where an end user already has a Power Supply with Battery Backup installed at their premises but elects not to take the Battery Backup Service, the Service Provider should advise that the battery should be removed from the Power Supply with Battery Backup unit following the instructions available on the NBN Co Website or in the NBN Co User Guide provided that no other end users or services require or have the Battery Backup Service (with the same Service Provider or another Service Provider).
- All end users should be provided with appropriate terms and conditions and supporting product collateral.

## End users who choose to have the Battery Backup Service

Service Providers should provide information on battery replacement steps, maintenance obligations and the responsibilities of the end user and the Service Provider in respect of each of these matters. (Note – reference should be made to procedures for safe disposal and recycling of batteries or the end user should be referred to the NBN Co Website, [www.nbnco.com.au/battery](http://www.nbnco.com.au/battery) which will be available from 19 December 2013 or the NBN Co User Guide for more information).

Service Providers should explain to end users:

- The visible (light) and audible alarms emitted by the Power Supply with Battery Backup when the battery requires replacement, is running low, or there is a power failure.
- the separate notification about these issues that end users should expect to receive from their RSP.
- If the end user switches off the power to the NTD (at the power point), or disconnects the NTD from the power point, the battery backup automatically turns on (i.e. the NTD will start running on battery power). It is possible, depending on how long the power is left off, that the battery may deplete itself completely up to the emergency reserve function. If there was a power failure at the same time, the battery may not have adequate charge other than the emergency reserve amount. If the power to the NTD has not been turned on prior to the power failure for long enough to charge the battery, it is possible that no telephony or data services will operate. So it is best that power is always left on to operate the NTD and the end user should ensure the battery is charged in the event of a power failure.
- All end users should be provided with appropriate terms and conditions and supporting product collateral.

## Path 2

**Service Providers make clear to their end users whether, and the extent to which, the specific services being offered, provide for continuation of telephone or data service operation in the event of a power failure or if the power is switched off at, or disconnected from, the power point (including the nature and extent of that operation). End users should be made aware that an alternative option is available if the offer is not suitable.**

- If, having considered all the information provided by the Service Provider, the end user decides to proceed with the offer, the Service Provider should record and note all information provided, and the acceptance of the offer (with or without the Battery Backup Service) and proceed with the activation of the service.
- If the end user is not satisfied that the offer made meets their requirements (e.g. no ability to make calls during a power failure) the Service Provider should offer the end user an alternative product that does satisfy their requirements or refer the end user to another Service Provider.
- End users who are offered a service with Battery Backup Service should be provided with all the information (at least) in connection with the operation of the Battery Backup Service that is to be provided under Path 1 above.
- All end users should be provided with appropriate terms and conditions and supporting product collateral.

## Delivery of Informed Consent

Despite the fact that Service Providers can offer NBN services to end users in a range of different ways (including in person, online and by phone) sufficient information to enable an informed decision to be made must always be provided to the end user no matter which sales process is used.

The information and suggestions contained in these Informed Consent Guidelines and Checklists should be developed, adapted and/or modified by Service Providers and built into their sales processes to ensure that sufficient information is provided to ensure that all end users make a properly informed decision, and that decision is recorded.

Service Providers are required via provisions in the WBA to:

- provide sufficient information regarding Battery Backup Service to end users;
- obtain a decision about Battery Backup Service from end users based on that information; and
- inform NBN Co whether a Power Supply with Battery Backup consequently needs to be installed at the end user's premises (via the appropriate connect or modify order with an appointment).

Service Providers should obtain their own legal advice on the type and extent of information that they need to provide to end users to enable them to make an informed decision about the Battery Backup Service choice.

It is also recommended that end users are advised that if they change their mind about the Battery Backup Service on the day of installation (e.g. from non battery backup to battery backup or vice versa) the installation will not proceed or not be completed on the day (for example the installer may only complete a partial installation of the Premises Connection Device externally as per standard process in order to ensure their time and end users' time is maximised).

In this scenario, NBN Co will place the order into a Pending state and provide the Service Provider with an appropriate reason code reflecting their end user's change of mind. Service Providers will need to place an updated order in the NBN Co system to reflect the change after the end user has discussed their change of mind and an updated Informed Consent has been captured / recorded by the Service Provider that reflects the change of position of the end user regarding the Battery Backup Service. Service Providers should cancel and place a new order with NBN Co if the end user has changed their mind. If they have decided to continue with their original decision, a new appointment can be made with the original order for the installation to be completed.

NBN Co is investigating an appropriate On the Spot change process in the event the end user changes their mind on the day of installation. This will be addressed with the industry as a separate item for consultation prior to any implementation and, if launched, will be implemented after the introduction of OBB.

## Appendix - Checklists

### Downstream Priority Assistance Services users

No	Checklist of Key Information	
1.	The end user is a Downstream Priority Assistance Service user. If not proceed to <i>Path 1 and Path 2 (base/ primary check points) check list.</i>	<input type="checkbox"/>
2.	The end user has been informed that Battery Backup Service is mandatory and has been provided with all required information about how it works. This includes discussing power failures and if the power is switched off at, or disconnected from, the power point.	<input type="checkbox"/>
3.	Information on how battery backup operates, suitable devices and limitations. Battery alarms and battery replacement and maintenance has been discussed and agreed. Medical and security alarm users have been identified and needs addressed.	<input type="checkbox"/>
4	End users have been informed that they can go to NBN Co website for places which have identified themselves as offering replacement batteries and recycling services. <a href="http://www.nbnco.com.au/battery">www.nbnco.com.au/battery</a>	<input type="checkbox"/>
5	End users are provided with appropriate terms and conditions and supporting product collateral.	<input type="checkbox"/>

### Path 1 and Path 2 (base/ primary check points)

No	Checklist of Key Information	
1.	It has been identified that the end user has a medical or security alarm. The importance of the Battery Backup Service has been properly explained to the end user.	<input type="checkbox"/>
2.	End user has: <ul style="list-style-type: none"> <li>considered and understood the needs of other household members and visitors</li> <li>identified if the household has other calling capabilities during a power failure such as a mobile phone</li> </ul>	<input type="checkbox"/>



No Checklist of Key Information		
2	<u>Only if the Power Supply with Battery Backup is already installed in premises</u> - The end user is aware that the battery (if in the Power Supply with Battery Backup unit) must be removed as per the NBN Co User Guide and NBN Co website if no other end users or services require or have the Battery Backup Service (with the same RSP or another provider).	<input type="checkbox"/>
3	End users are provided with appropriate terms and conditions and supporting product collateral.	<input type="checkbox"/>
<b>End User who selects to have the Battery Backup Service</b>		
1	Information on battery replacement and maintenance obligations has been provided and agreed.  End users have been informed that they can go to NBN Co website for places which have identified themselves as offering replacement batteries and recycling services.	<input type="checkbox"/>  <input type="checkbox"/>
2	End user has been properly informed about the operation of the alarms for battery replacement, low running and power failure scenarios.	<input type="checkbox"/>
3	End users are provided with appropriate terms and conditions and supporting product collateral.	<input type="checkbox"/>

