

TRADE PRACTICES ACT 1974 - SECTION 152AT
APPLICATION FOR EXEMPTION FROM STANDARD ACCESS
OBLIGATIONS

DOMESTIC TRANSMISSION CAPACITY SERVICE

21 December 2007

Inter-Exchange Transmission Capacity in CBD Areas

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DOMESTIC TRANSMISSION CAPACITY SERVICE

Inter-Exchange Transmission Capacity in CBD Areas

TO: The Australian Competition and Consumer Commission (“**Commission**”)

Application is made under subsection 152AT(1) of the *Trade Practices Act 1974* (Cwlth) (“**TPA**”) for an exemption from all of the standard access obligations set out in section 152AR of the TPA in respect of the Domestic Transmission Capacity Services (“**DTCS**”) declared by the Commission under subsection 152AL(3) of the TPA with effect from 1 April 2004 and specified in paragraph 2(b) below (“**Exemption Application**”).

1 (a) Name of applicant:

Telstra Corporation Limited (ABN 33 051 775 556) (“**Telstra**”).

(b) Short description of business carried on by applicant:

Telstra is both a carrier and carriage service provider under the *Telecommunications Act 1997* (Cwlth) and it supplies telecommunications services.

(c) Address in Australia for service of documents on the applicant:

Tony Warren
Executive Director Regulatory Affairs
Public Policy and Communications
Telstra Corporation Limited
Level 2
Engineering House
Unit 11 National Circuit
Barton ACT 2600

Copy to:

Paul McLachlan
Legal Counsel
Regulatory Legal Group
Telstra Corporation Limited
Level 11
231 Elizabeth Street
Sydney NSW 2000

2 (a) Description of declared service to which this application relates:

This exemption application relates to the DTCS, which is a “declared service” pursuant to subsection 152AL(3) of the TPA.

(b) Description of exemption applied for:

Telstra applies for an exemption from all of the standard access obligations in section 152AR of the TPA in respect of the supply of Inter-Exchange DTCS at All Designated Rates in the CBD Exemption Area, with effect from the date of the Commission's determination under paragraph 152AT(3)(a) of the TPA until the earlier of:

- (a) DTCS ceasing to be a declared service; or
- (b) 31 December 2012.

(c) Grounds for grant of exemption:

An order by the Commission granting the exemption sought by Telstra will promote the long-term interests of end-users of carriage services or of services provided by means of carriage services for the reasons set out in Attachment B to this Exemption Application.

A draft exemption order in the form prepared by Telstra is at Attachment C to this Exemption Application.

3 Interpretation

Adelaide CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

All Designated Rates means all of the Designated Rates.

Brisbane CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

CBD Exemption Area means each of the Sydney CBD Area, Brisbane CBD Area, Adelaide CBD Area, Melbourne CBD Area and Perth CBD Area.

Designated Rate means a transmission rate of 2.048 Megabits per second, 4.096 Megabits per second, 6.144 Megabits per second, 8.192 Megabits per second, 34 Megabits per second, 45 Megabits per second, 140 Megabits per second, or 155 Megabits per second, (or higher orders) as specified in the Commission's declaration of the DTCS dated 1 April 2004.

DTCS means the Domestic Transmission Capacity Service as declared by the Commission with effect from 1 April 2004 and described in the *Commonwealth of Australia Gazette* No. GN 14 of 2004.

ESA means an Exchange Service Area.

Inter-Exchange DTCS means DTCS between:

- (a) two Transmission Points where both of those Transmission Points are located within the Adelaide CBD Area, the Brisbane CBD Area, the Melbourne CBD Area, the Perth CBD Area or the Sydney CBD Area; and

ATTACHMENT A
CBD EXEMPTION AREA

The CBD Exemption Area comprises each of the following capital city exemption areas.

Sydney CBD Area	ESA Names	ESA Codes
Sydney	CITY SOUTH	CYSH
Sydney	DALLEY	DALL
Sydney	HAYMARKET	HMKT
Sydney	KENT	KNST
Sydney	PITT	PITT
Brisbane CBD Area	ESA Names	ESA Codes
Brisbane	CHARLOTTE	CHLT
Brisbane	EDISON	EDSN
Brisbane	ROMA STREET	RASH
Brisbane	SPRING HILL	SGHL
Adelaide CBD Area	ESA Names	ESA Codes
Adelaide	FLINDERS	FLNF
Adelaide	WAYMOUTH	WAYM
Melbourne CBD Area	ESA Names	ESA Codes
Melbourne	BATMAN	BATM
Melbourne	EXHIBITION	EXHN
Melbourne	LONSDALE	LONS
Perth CBD Area	ESA Names	ESA Codes
Perth	BULWER	BWER
Perth	PIER	PIER
Perth	WELLINGTON	WLTE

ATTACHMENT B
GROUNDS FOR EXEMPTION

The grounds for exemption are set out in Annexure B to the exemption application in respect of the Domestic Transmission Capacity Service for tail-end transmission capacity in CBD areas lodged by Telstra on or about the date of this exemption application.

**ATTACHMENT C
DRAFT EXEMPTION ORDER**

The Australian Competition and Consumer Commission (“**Commission**”) under paragraph 152AT(3)(a) of the *Trade Practices Act 1974* (Cwlth) (“**TPA**”) determines that Telstra is exempt from the standard access obligations specified below.

Citation

- 1 This order may be cited as the “Telstra Domestic Transmission Carriage Service Exemption Order for Inter-Exchange Transmission in CBD Areas”.

Commencement

- 2 This order comes into effect on the date of the Commission’s determination.

Term

- 3 This order expires on the earlier of:
- (a) the Domestic Transmission Carriage Service ceasing to be an active declared service; or
 - (b) 31 December 2012.

Interpretation

- 4 For the purposes of this order:

active declared service has the meaning set out in section 152AR of the TPA.

Adelaide CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

All Designated Rates means all of the Designated Rates.

Brisbane CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

CBD Exemption Area means each of the Sydney CBD Area, Brisbane CBD Area, Adelaide CBD Area, Melbourne CBD Area and Perth CBD Area.

Designated Rate means a transmission rate of 2.048 Megabits per second, 4.096 Megabits per second, 6.144 Megabits per second, 8.192 Megabits per second, 34 Megabits per second, 45 Megabits per second, 140 Megabits per second, or 155 Megabits per second, (or higher orders) as specified in the Commission’s declaration of the DTCS dated 1 April 2004.

DTCS means the Domestic Transmission Capacity Service as declared by the Commission with effect from 1 April 2004 and described in the *Commonwealth of Australia Gazette* No. GN 14 of 2004.

ESA means an Exchange Service Area.

Inter-Exchange DTCS means DTCS between:

- (a) two Transmission Points where both of those Transmission Points are located within the Adelaide CBD Area, the Brisbane CBD Area, the Melbourne CBD Area, the Perth CBD Area or the Sydney CBD Area; and
 - (b) a Transmission Point located within the Adelaide CBD Area, the Brisbane CBD Area, the Melbourne CBD Area, the Perth CBD Area or the Sydney CBD Area and a Transmission Point in an ESA adjoining that CBD Exemption Area,
- but where neither Transmission Point is located at an end-user's premises.

Melbourne CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

Perth CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

Sydney CBD Area means the ESAs comprising the area so named as specified in Attachment A to this Exemption Application.

Telstra means Telstra Corporation Limited (ABN 33 051 775 556).

Transmission Point has the meaning given by the Commission in its declaration of the DTCS.

The singular includes the plural and vice versa.

Exemption

- 5 Subject to paragraph 6, Telstra is exempt from all of the standard access obligations in section 152AR of the TPA in respect of Inter-Exchange DTCS at All Designated Rates in the CBD Exemption Area.

Limitation or conditions to exempted service

- 6 For the avoidance of doubt the Telstra CBD Domestic Transmission Capacity Service Exemption Order for Inter-Exchange Transmission in CBD Areas has no effect in respect of Inter-Exchange DTCS provided under an agreement which is in force on the date of this order for so long as that agreement remains in force.

Dated _____

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The CBD Exemption Area comprises the following capital city exemption areas.

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Sydney	KENT	KNST
Sydney	PITT	PITT
Brisbane CBD Area	ESA Names	ESA Codes
Brisbane	CHARLOTTE	CHLT
Brisbane	EDISON	EDSN
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Adelaide	FLINDERS	FLNF
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