

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

DOMESTIC TRANSMISSION CAPACITY SERVICE

21 December 2007

Tail-End Transmission Capacity in Metropolitan Areas

TRADE PRACTICES ACT 1974 - SECTION 152AT
APPLICATION FOR EXEMPTION FROM STANDARD ACCESS
OBLIGATIONS
DOMESTIC TRANSMISSION CAPACITY SERVICE
Tail-End Transmission Capacity in Metropolitan 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 Tail-End DTCS at a Designated Rate of 2.048 Megabits per second in the Metro 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;
- (b) a finding by a Court of competent jurisdiction that Part XIC of the TPA is invalid as it relates to the Unconditioned Local Loop Service; or
- (c) 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

Contiguous Exemption Areas means the areas so named and set out in Attachment A to this Exemption Application, each of which contains ESAs with adjoining boundaries.

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.

Metro Exemption Area means each of the Contiguous Exemption Areas.

Tail-End DTCS means DTCS supplied between an end-user's location and a Transmission Point in the same Contiguous Exemption Area.

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

The singular includes the plural and vice versa.

ATTACHMENT A
METRO EXEMPTION AREA

The Metro Exemption Area comprises each of the following Contiguous Exemption Areas.

Contiguous Exemption Area	ESA Names	ESA Codes
SYDNEY	ASHFIELD	ASHF
SYDNEY	BALGOWLAH	BALG
SYDNEY	BALMAIN	BALM
SYDNEY	BANKSTOWN	BANK
SYDNEY	BAULKHAM HILLS	BAUL
SYDNEY	BLACKTOWN	BLAC
SYDNEY	BLAKEHURST	BLAK
SYDNEY	BOTANY	BOTA
SYDNEY	BURWOOD	BURD
SYDNEY	CAMPSIE	CAMP
SYDNEY	CARLINGFORD	CARL
SYDNEY	CARRAMAR	CARR
SYDNEY	CASTLE HILL	CAST
SYDNEY	CHATSWOOD	CHAT
SYDNEY	CONCORD	CONC
SYDNEY	COOGEE	COOG
SYDNEY	CREMORNE	CREM
SYDNEY	CRONULLA	CRON
SYDNEY	DEE WHY	DEEW
SYDNEY	DRUMMOYNE	DRUM
SYDNEY	EAST	EAST
SYDNEY	EDGECLIFF	EDGE
SYDNEY	EPPING	EPPI
SYDNEY	EDENSOR PARK	ERPK
SYDNEY	EASTWOOD	EWOO
SYDNEY	FIVE DOCK	FIVE
SYDNEY	FRENCHS FOREST	FREN
SYDNEY	GLEBE	GLEB
SYDNEY	GRANVILLE	GRAN
SYDNEY	HARBORD	HARB
SYDNEY	Homebush	HOME
SYDNEY	HORNSBY	HORN
SYDNEY	HUNTERS HILL	HUHL
SYDNEY	HURSTVILLE	HURS
SYDNEY	KELLYVILLE	KELL
SYDNEY	KENSINGTON	KENS
SYDNEY	KILLARA	KILL
SYDNEY	KINGSGROVE	KING
SYDNEY	KOGARAH	KOGA
SYDNEY	LAKEMBA	LAKE

SYDNEY	LANE COVE	LANE
SYDNEY	LIDCOMBE	LIDC
SYDNEY	LINDFIELD	LIND
SYDNEY	LIVERPOOL	LIVE
SYDNEY	MASCOT	MASC
SYDNEY	MATRAVILLE	MATR
SYDNEY	MIRANDA	MIRA
SYDNEY	MOSMAN	MOSM
SYDNEY	NORTHBRIDGE	NBRI
SYDNEY	NEWTOWN	NEWT
SYDNEY	NORTH PARRAMATTA	NPAR
SYDNEY	NORTH RYDE	NRYD
SYDNEY	NORTH SYDNEY	NSYD
SYDNEY	PARRAMATTA	PARR
SYDNEY	PEAKHURST	PEAK
SYDNEY	PENDLE HILL	PEND
SYDNEY	PENNANT HILLS	PENN
SYDNEY	PETERSHAM	PETE
SYDNEY	RAMSGATE	RAMS
SYDNEY	RANDWICK	RAND
SYDNEY	REDFERN	REDF
SYDNEY	REVESBY	REVE
SYDNEY	ROCKDALE	ROCK
SYDNEY	ROOTY HILL	ROOT
SYDNEY	ROSE BAY	ROSE
SYDNEY	RYDALMERE	RYDA
SYDNEY	RYDE	RYDE
SYDNEY	SEVEN HILLS	SEVE
SYDNEY	SILVERWATER	SILV
SYDNEY	SOUTH STRATHFIELD	SSTR
SYDNEY	ST LEONARDS	STLE
SYDNEY	ST MARYS	STMA
SYDNEY	UNDERCLIFFE	UNDE
SYDNEY	VAUCLUSE	VAUC
SYDNEY	WAHROONGA	WAHR
SYDNEY	WAVERLEY	WAVE
SYDNEY	WILLOUGHBY	WILL
ALBURY	ALBURY	ALBY
CAMPBELLTOWN	CAMPBELLTOWN	CBTN
COFFS HARBOUR	COFFS HARBOUR	CFSH
GOSFORD	GOSFORD	GSFD
LISMORE	LISMORE	LISM
NEWCASTLE	WOLFE	WOLF
PENRITH	PENRITH	PNTH
WAGGA WAGGA	WAGGA WAGGA	WAGA
WOLLONGONG	WOLLONGONG	WLGG
MELBOURNE	ASCOT	ASCT
MELBOURNE	BRUNSWICK	BRUK
MELBOURNE	CAULFIELD	CAUL
MELBOURNE	COBURG	CBRG

MELBOURNE	ELSTERNWICK	ELSK
MELBOURNE	FOOTSCRAY	FSRY
MELBOURNE	HEIDELBERG	HDBG
MELBOURNE	MALVERN	MALV
MELBOURNE	MORELAND	MLND
MELBOURNE	NORTH MELBOURNE	NMEL
MELBOURNE	NEWPORT	NPRT
MELBOURNE	PORT MELBOURNE	PMEL
MELBOURNE	PRESTON	PRTN
MELBOURNE	RICHMOND	RCMD
MELBOURNE	SOUTH MELBOURNE	SMEL
MELBOURNE	ST KILDA	STKA
MELBOURNE	TOORAK	TRAK
BALLARAT	BALLARAT	BRAT
BENDIGO	BENDIGO	BEND
GEELONG	GEELONG	GEEM
SHEPPARTON	SHEPPARTON	SHPN
BRISBANE	PADDINGTON	PDTN
BRISBANE	SOUTH BRISBANE	SOTH
BRISBANE	TOOWONG	TWOG
BRISBANE	VALLEY	VLLY
BRISBANE	WOOLLOONGABBA	WOBB
BEAUDESERT	NERANG	NERG
BEAUDESERT	ASHMORE	ASHM
BEAUDESERT	SOUTHPORT	SOPT
ADELAIDE	GEPPS CROSS	GPCS
ADELAIDE	GLENUNGA	GUGA
ADELAIDE	HAMPSTEAD	HPSD
ADELAIDE	NORWOOD	NRWD
ADELAIDE	PROSPECT	PROT
ADELAIDE	ST PETERS	STPE
ADELAIDE	UNLEY	UNLY
ADELAIDE	WEST ADELAIDE	WESA
CANBERRA	DEAKIN	DKIN
CANBERRA	MAWSON	MWSN
PERTH	MANNING	MNNG
PERTH	SOUTH PERTH	SPTH
PERTH	SUBIACO	SUBT

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 Tail-End Transmission in Metropolitan 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;
 - (b) a finding by a Court of competent jurisdiction that Part XIC of the TPA is invalid as it relates to the Unconditioned Local Loop Service; or
 - (c) 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.

Contiguous Exemption Areas means the areas so named and set out in Attachment A to this Exemption Application, each of which contains ESAs with adjoining boundaries.

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.

Metro Exemption Area means each of the Contiguous Exemption Areas.

Tail-End DTCS means DTCS supplied between an end-user’s location and a Transmission Point in the same Contiguous Exemption Area.

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 the supply of Tail-End DTCS at a Designated Rate of 2.048 Megabits per second within the Metro Exemption Area.

Limitation or conditions to exempted service

- 6 For the avoidance of doubt the Telstra Domestic Transmission Capacity Service Exemption Order for Tail-End Transmission in Metropolitan Areas has no effect in respect of Tail-End 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 _____

ATTACHMENT A
METRO EXEMPTION AREA

The Metro Exemption Area comprises each of the following Contiguous Exemption Areas.

Contiguous Exemption Area	ESA Names	ESA Codes
SYDNEY	ASHFIELD	ASHF
SYDNEY	BALGOWLAH	BALG
SYDNEY	BALMAIN	BALM
SYDNEY	BANKSTOWN	BANK
SYDNEY	BAULKHAM HILLS	BAUL
SYDNEY	BLACKTOWN	BLAC
SYDNEY	BLAKEHURST	BLAK
SYDNEY	BOTANY	BOTA
SYDNEY	BURWOOD	BURD
SYDNEY	CAMPSIE	CAMP
SYDNEY	CARLINGFORD	CARL
SYDNEY	CARRAMAR	CARR
SYDNEY	CASTLE HILL	CAST
SYDNEY	CHATSWOOD	CHAT
SYDNEY	CONCORD	CONC
SYDNEY	COOGEE	COOG
SYDNEY	CREMORNE	CREM
SYDNEY	CRONULLA	CRON
SYDNEY	DEE WHY	DEEW
SYDNEY	DRUMMOYNE	DRUM
SYDNEY	EAST	EAST
SYDNEY	EDGECLIFF	EDGE
SYDNEY	EPPING	EPPI
SYDNEY	EDENSOR PARK	ERPCK
SYDNEY	EASTWOOD	EWOO
SYDNEY	FIVE DOCK	FIVE
SYDNEY	FRENCHS FOREST	FREN
SYDNEY	GLEBE	GLEB
SYDNEY	GRANVILLE	GRAN
SYDNEY	HARBORD	HARB
SYDNEY	HOMEBUSH	HOME
SYDNEY	HORNSBY	HORN
SYDNEY	HUNTERS HILL	HUHL
SYDNEY	HURSTVILLE	HURS
SYDNEY	KELLYVILLE	KELL
SYDNEY	KENSINGTON	KENS
SYDNEY	KILLARA	KILL
SYDNEY	KINGSGROVE	KING
SYDNEY	KOGARAH	KOGA
SYDNEY	LAKEMBA	LAKE

SYDNEY	LANE COVE	LANE
SYDNEY	LIDCOMBE	LIDC
SYDNEY	LINDFIELD	LIND
SYDNEY	LIVERPOOL	LIVE
SYDNEY	MASCOT	MASC
SYDNEY	MATRAVILLE	MATR
SYDNEY	MIRANDA	MIRA
SYDNEY	MOSMAN	MOSM
SYDNEY	NORTHBRIDGE	NBRI
SYDNEY	NEWTOWN	NEWT
SYDNEY	NORTH PARRAMATTA	NPAR
SYDNEY	NORTH RYDE	NRYD
SYDNEY	NORTH SYDNEY	NSYD
SYDNEY	PARRAMATTA	PARR
SYDNEY	PEAKHURST	PEAK
SYDNEY	PENDLE HILL	PEND
SYDNEY	PENNANT HILLS	PENN
SYDNEY	PETERSHAM	PETE
SYDNEY	RAMSGATE	RAMS
SYDNEY	RANDWICK	RAND
SYDNEY	REDFERN	REDF
SYDNEY	REVESBY	REVE
SYDNEY	ROCKDALE	ROCK
SYDNEY	ROOTY HILL	ROOT
SYDNEY	ROSE BAY	ROSE
SYDNEY	RYDALMERE	RYDA
SYDNEY	RYDE	RYDE
SYDNEY	SEVEN HILLS	SEVE
SYDNEY	SILVERWATER	SILV
SYDNEY	SOUTH STRATHFIELD	SSTR
SYDNEY	ST LEONARDS	STLE
SYDNEY	ST MARYS	STMA
SYDNEY	UNDERCLIFFE	UNDE
SYDNEY	VAUCLUSE	VAUC
SYDNEY	WAHROONGA	WAHR
SYDNEY	WAVERLEY	WAVE
SYDNEY	WILLOUGHBY	WILL
ALBURY	ALBURY	ALBY
CAMPBELLTOWN	CAMPBELLTOWN	CBTN
COFFS HARBOUR	COFFS HARBOUR	CFSH
GOSFORD	GOSFORD	GSFD
LISMORE	LISMORE	LISM
NEWCASTLE	WOLFE	WOLF
PENRITH	PENRITH	PNTH
WAGGA WAGGA	WAGGA WAGGA	WAGA
WOLLONGONG	WOLLONGONG	WLGG
MELBOURNE	ASCOT	ASCT
MELBOURNE	BRUNSWICK	BRUK
MELBOURNE	CAULFIELD	CAUL
MELBOURNE	COBURG	CBRG

MELBOURNE	ELSTERNWICK	ELSK
MELBOURNE	FOOTSCRAY	FSRY
MELBOURNE	HEIDELBERG	HDBG
MELBOURNE	MALVERN	MALV
MELBOURNE	MORELAND	MLND
MELBOURNE	NORTH MELBOURNE	NMEL
MELBOURNE	NEWPORT	NPRT
MELBOURNE	PORT MELBOURNE	PMEL
MELBOURNE	PRESTON	PRTN
MELBOURNE	RICHMOND	RCMD
MELBOURNE	SOUTH MELBOURNE	SMEL
MELBOURNE	ST KILDA	STKA
MELBOURNE	TOORAK	TRAK
BALLARAT	BALLARAT	BRAT
BENDIGO	BENDIGO	BEND
GEELONG	GEELONG	GEEM
SHEPPARTON	SHEPPARTON	SHPN
BRISBANE	PADDINGTON	PDTN
BRISBANE	SOUTH BRISBANE	SOTH
BRISBANE	TOOWONG	TWOG
BRISBANE	VALLEY	VLLY
BRISBANE	WOOLLOONGABBA	WOBB
BEAUDESERT	NERANG	NERG
BEAUDESERT	ASHMORE	ASHM
BEAUDESERT	SOUTHPORT	SOPT
ADELAIDE	GEPPS CROSS	GPCS
ADELAIDE	GLENUNGA	GUGA
ADELAIDE	HAMPSTEAD	HPSD
ADELAIDE	NORWOOD	NRWD
ADELAIDE	PROSPECT	PROT
ADELAIDE	ST PETERS	STPE
ADELAIDE	UNLEY	UNLY
ADELAIDE	WEST ADELAIDE	WESA
CANBERRA	DEAKIN	DKIN
CANBERRA	MAWSON	MWSN
PERTH	MANNING	MNNG
PERTH	SOUTH PERTH	SPTH
PERTH	SUBIACO	SUBT