

Bundled Service
Record Keeping and Reporting Rules

Section 151BU
Part XIB *Trade Practices Act 1974*

Australian Competition and Consumer Commission

TITLE

- 1 These rules, made by the Commission pursuant to section 151BU of the Act, may be referred to as the Bundled Service Record-Keeping and Reporting Rules (the 'Rules').

COMMENCEMENT

- 2 These Rules shall take effect on **18 March 2003**.

INTERPRETATION

A service (referred to hereafter as 'the Service in question') is a 'Bundled Service' if:

- (i) it is made up of more than one Component Service; and either
- (ii) a Component Service (other than the supply of, or the connection or installation of, customer equipment, fixed line access, or local calls) is not available for supply from Telstra except where another Component Service is also acquired; or,
- (iii) the Component Services are available for supply from Telstra on different terms to those on which they are available as part of the Service in question, including that the price of the Service in question differs to that which would be payable should all of the Component Services be acquired from Telstra other than as part of the Service in question.

The following services are each a "component service":

Fixed line access, local calls, national long distance, international long distance, fixed to mobile, mobile calls, subscription broadcasting service, dial up internet access, broadband internet access, and, the supply of, or the connection or installation of, customer equipment for use in connection with the above services.

"customer" means a residential customer.

Commission means the Australian Competition and Consumer Commission.

"Foxtel" means FOXTEL Management Pty Limited (ACN 068 671 938) for and on behalf of the FOXTEL Partnership (which is the partnership established between Telstra Media and Sky Cable), FOXTEL Cable Television Pty Limited (ACN 069 008 797).

"subscription broadcasting service" has the meaning given by the Broadcasting Service Act as amended from time to time.

"Telstra" means Telstra Corporation Limited (ACN 051 775 556) and/or Telstra Pay TV Pty Ltd (ACN 095 931 614) as the case may be.

"Accrued Discount" equals $X - Y$ where:

X is the amount that would have been payable for the component services of a Bundled Service should they have been supplied on the terms at which they are available for individual supply to a customer; and,

Y is the amount paid or payable by the customer for the bundled service.

In applying this formula, if a component service is not available for individual supply, but is available as part of a Bundled Service that consists of fewer component services than the Bundled Service in question, the X value is to be calculated by reference to the amount that would have been payable for the lesser Bundled Service and the amount that would have been payable for individual supply of the remaining component services.

In applying this formula to a Bundled Service that includes a subscription broadcasting service as a Component Service, the X value is to be calculated by reference to the price advertised by Foxtel for its subscription broadcasting service and the amount that would have been payable for the individual supply of the remaining component services.

APPLICATION

3 These Rules apply to Telstra.

EXEMPTION

4 Telstra may request in writing an exemption in relation to compliance with any requirement of the Rules.

5 The Commission must decide whether to grant the exemption requested and must inform Telstra in writing of its decision.

6 In deciding whether or not to grant the exemption the Commission will have regard to whether Telstra is reasonably able to comply with the rule in relation to which an exemption is sought.

7 For the avoidance of doubt, the Commission may grant the exemption requested for on any terms it reasonably considers appropriate.

RECORD KEEPING RULES

8 In relation to each supply of a Bundled Service, Telstra must establish and maintain a written or electronic record containing the following information:

8.1 the customer who acquires the Bundled Service;

8.2 the type or name of the Bundled Service acquired by the customer;

8.3 the date on which the Bundled Service was first acquired by the customer;

8.4 whether it is the first month the customer has acquired the type of Bundled Service in question;

8.5 For each component service that forms part of the Bundled Service:

- (a) the name of the carrier/ carriage service provider (if any) that supplied the component service to the customer immediately prior to the supply of the Bundled Service; and
 - (b) where Telstra was the supplier of the component service to the customer immediately prior to the supply of the Bundled Service, whether the component service was supplied individually or as part of another Bundled Service
- 8.6 the total actual amount paid or was payable by the customer for the Bundled Service in each calendar month;
- 8.7 whether a discount is received by the customer in respect of the Bundled Service;
- 8.8 the total accrued discount that is received by the customers in each calendar month in respect of the Bundled Service.
- 9. In relation to each component service that is part of a Bundled Service, Telstra must establish and maintain a written or electronic record as at the end of each calendar month containing the following information:
 - 9.1 the total number of customers who acquire the component service (either individually or as part of a Bundled Service) as at the end of each calendar month;
 - 9.2 the total number of customers who acquire each component service as part of a Bundled Service ('the Relevant Bundled Service') as at the end of each calendar month;
 - 9.3 In respect of those customers specified at clause 9.2, the number of those customers who first acquired the Relevant Bundled Service within the month;
 - 9.4 In respect of those customers specified at clause 9.3, the number of those customers who, immediately before acquiring the Relevant Bundled Service, previously acquired the Component Service from Telstra other than as part of a Bundled Service.
 - 9.5 In respect of those customers specified at clause 9.3, the number of those customers who, immediately before acquiring the Relevant Bundled Service, previously acquired the Component Service from Telstra as part of another Bundled Service;
 - 9.6 In respect of those customers specified at clause 9.3, the number of those customers who, immediately before acquiring the Relevant Bundled Service, previously acquired the Component Service from a supplier other than Telstra.

REPORTING REQUIREMENTS

10. Telstra must provide the Commission with reports, prepared in respect of each month within each reporting period containing the information required to be kept by Telstra in accordance with these Rules.
11. A report provided under rule 10 must comply with the following requirements:
 - 11.1 it must be in the format as specified in Schedule A by the Commission from time to time;
 - 11.2 it must be provided to the Commission, in accordance with sub-rule 11.3, no later than 4 pm on the fifth business day after the reporting period ;
 - 11.3 it must be provided to the Commission by the following means

by email to:
Telstrarkr@accc.gov.au

Schedule A

Report Pursuant to Section 151BU of Part XIB *Trade Practices Act 1974*

To be specified by the Commission