

ACCESS DISPUTES BETWEEN
CHIME COMMUNICATIONS PTY LTD (ACCESS SEEKER)
AND
TELSTRA CORPORATION LIMITED (ACCESS PROVIDER)

LINE SHARING SERVICE

Access disputes notified under the repealed subsection 152CM of the *Competition and Consumer Act 2010*, which remain in effect for the present context due to the operation of Item 207 of Schedule 1 of the *Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Act 2012*

Final Determination under the repealed section 152CP of the *Competition and Consumer Act 2010*, which remain in effect for the present context due to the operation of Item 207 of Schedule 1 of the *Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Act 2012*

Background

1. On 22 December 2010 the Australian Competition and Consumer Commission (ACCC) received written notifications from Chime Communications Pty Ltd for an access dispute relating to the supply of the Internal Interconnection Cable (IIC) charge levied by Telstra Corporation Limited (Telstra). The IIC charge is levied in connection with the supply of the line sharing service (LSS).
2. The LSS is a declared service which allows an access seeker to share the use of a single metallic pair or line. The higher frequency part of the line is used by the access seeker to supply broadband services while another provider supplies a public switched telephone network voice service.
3. The IIC is a twisted copper pair cable connecting an access seeker's intermediate distribution frame to Telstra's main distribution frame. The IIC is essential to access seekers in being able to obtain LSS from Telstra.
4. An interim determination relating to these disputes was not made.
5. Pursuant to subsection 152CP(1) of the *Competition and Consumer Act 2010 (CCA)*, this instrument is the final determination on access by the abovementioned access seeker to the LSS provided by Telstra.

Final determination

Terms and conditions of access

6. This final determination specifies the price term of the IIC to be \$0.056 (excluding GST) per pair per month.
7. Subject to Clause 8, other contractual terms and conditions on which Telstra currently supplies the LSS to the access seekers continue to apply.
8. Except where the parties expressly agree otherwise, this determination is taken to apply to override inconsistencies in any pre-existing agreements between the parties. This includes any outstanding invoices payable by an access seeker.

Settlement of over or under paid amounts and interest

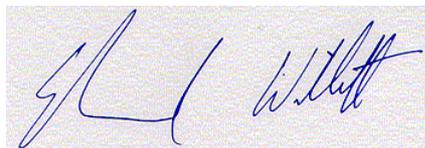
9. The amount that arises from the difference between charges that have been paid to Telstra by an access seeker and the charge specified in clause 6 is to be refunded to the relevant access seeker with interest (the settlement amount). This applies to the time period specified in clause 12.
10. Interest is payable on any overpaid amount paid to Telstra by an access seeker within the relevant dates specified in clause 12. Interest is compounded daily at the applicable monthly rate specified in the Small Business Variable Other Overdraft Indicator Rate published by the Reserve Bank of Australia.

Note: A copy of the Small Business Variable Other Overdraft Indicator Rate is available at <http://www.rba.gov.au/statistics/tables/xls/f05hist.xls>.

11. Except where the parties agree otherwise, the settlement amount is to be paid within 42 days after the date on which this determination is made.

Commencement and expiry

12. This final determination takes effect 21 days from date it is made. The final determination will have effect retrospectively from the period starting 2 December 2010 and expires on 30 June 2014.



Edward Campbell Willett
Presiding Member



Joseph Dimasi
Commissioner

DATED: 22 November 2012