



## Christmas Island Binding Rules of Conduct (Vocus)

### *Competition and Consumer Act 2010*

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The AUSTRALIAN COMPETITION AND CONSUMER COMMISSION makes these Rules under section 152BD of the *Competition and Consumer Act 2010*.

These Rules come into force on 19 December 2018.

Dated 19<sup>th</sup> of December 2018

A handwritten signature in black ink, appearing to read 'Rodney Sims', written over a dotted line.

Rodney Graham Sims

Chair

Australian Competition and Consumer Commission

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# **Christmas Island Binding Rules of Conduct (Vocus)**

**Section 152BD**

***Competition and Consumer Act 2010***

## Australian Competition and Consumer Commission

December 2018

### NAME OF THE RULES

- (1) These rules made by the Australian Competition and Consumer Commission (ACCC) pursuant to section 152BD of the *Competition and Consumer Act 2010* (CCA) may be referred to as the Christmas Island Binding Rules of Conduct (Vocus).

### COMMENCEMENT AND EXPIRY

- (2) These Rules come into force from 19 December 2018 and expire on 18 December 2019, unless revoked prior to the expiration date.

### APPLICATION

- (3) These Rules apply to Nextgen Networks Pty Limited (ACN 094 147 403).

### INTERPRETATION

- (4) The following terms have the meaning set out in this clause.
  - (a) **'Access Provider'** means Nextgen Networks Pty Limited
  - (b) **'Access Seeker'** has the same meaning as in section 152AG of the CCA.
  - (c) **'ACCC'** means the Australian Competition and Consumer Commission.
  - (d) **'A-end'** means a location anywhere in Australia (with exception of Christmas Island) where the access seeker's network interconnects with the access provider's network for the purpose of the supply of the Vocus Service.
  - (e) **'CCA'** means the *Competition and Consumer Act 2010* (Cth).
  - (f) **'Christmas Island'** means the Australian External Territory of Christmas Island
  - (g) **'Christmas Island ESA'** means the ESA of Christmas Island
  - (h) **'Domestic Transmission Capacity Service' or 'DTCS'** means a service for the carriage of certain communications as defined in the *ACCC Variation and Extension of the Declaration under sections 152AL, 152 ALA and 152AO, March 2014*
  - (i) **'DTCS FAD prices'** means the prices or method to ascertain prices for access to DTCS as set out in the *ACCC Final Access Determination No. 1 of 2016 (DTCS)*
  - (j) **'ESA' or 'Exchange Service Area'** has the meaning given to that phrase in the Australian Communications Industry Forum Limited publication ACIF C559:2006, Part 1
  - (k) **'Rules'** means these Binding Rules of Conduct.
  - (l) **'Vocus Service'** means a DTCS provided between the Christmas Island ESA and any other ESA in Australia.

- (5) Unless the contrary intention appears, an expression used in these Rules that is also used in the CCA has the same meaning in these Rules as it does in the CCA.

## **BINDING RULES OF CONDUCT**

### **Binding rules of conduct for the Vocus service**

- (6) The maximum prices for the Vocus Service are the corresponding DTCS FAD prices for a service between the A-end of the service and the Vocus datacentre in Shenton Park, Western Australia at the required data rate plus an uplift of 360% on the DTCS FAD price for a service provided over a regional route of 2600km at the required data rate, in accordance with the following formula:

The price for the Vocus Service = DTCS price<sub>A-S</sub> + 4.6 x DTCS FAD price<sub>2600</sub>

where:

- DTCS price<sub>A-S</sub> is the DTCS FAD price for a service between the A-end of the service and the Vocus datacentre in Shenton Park, Western Australia at the required data rate.
- DTCS FAD price<sub>2600</sub> is the DTCS FAD price for a regional service having radial distance of 2600km at the required data rate.