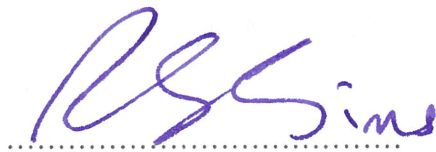


Competition and Consumer Act 2010

Variation and extension of declaration under sections 152AL, 152ALA and 152AO

1. Pursuant to sections 152AL, 152ALA and 152AO of the *Competition and Consumer Act* (Act), and with effect from 1 April 2014, the Australian Competition and Consumer Commission (Commission) varies and extends the domestic transmission capacity service (DTCS) declaration which took effect from 1 April 2009 under section 152AL of the Act (the DTCS declaration) by deleting Annexure 1 to the DTCS declaration and replacing it with Annexure 1 and Annexure 2 to this instrument.
2. Annexure 1 to this instrument will apply from 1 April 2014 to 31 December 2014.
Annexure 2 to this instrument will apply from 1 January 2015 to the 31 March 2019.
3. Pursuant to subsection 152ALA(1) of the Act, the expiry of the DTCS declaration is 31 March 2019.



Rodney Graham Sims

Chairman

Australian Competition and Consumer Commission

Dated: 28 March 2014

Annexure 1 – DTCS Service Description

The domestic transmission capacity service is a service for the carriage of certain communications from one transmission point to another transmission point via symmetric network interfaces on a permanent uncontended basis by means of guided and/or unguided electromagnetic energy, except communications between:

- (a) one customer transmission point directly to another customer transmission point
- (b) one access seeker network location directly to another access seeker network location.

Inter-capital routes

- (c) a transmission point in an exempt capital city and a transmission point in another exempt capital city. Exempt capital cities include: Adelaide, Brisbane, Canberra, Melbourne, Perth or Sydney

Capital-regional routes

- (d) a transmission point in Sydney and a transmission point in any of the following regional centres: Albury, Lismore, Newcastle, Grafton, Wollongong, Taree, Dubbo, Campbelltown, Gosford, Coffs Harbour and Goulburn
- (e) a transmission point in Melbourne and a transmission point in any of the following regional centres: Ballarat, Bendigo, Geelong and Shepparton
- (f) a transmission point in Brisbane and a transmission point in any of the following regional centres: Toowoomba, Gold Coast, Townsville, Rockhampton, Bundaberg and Maryborough
- (g) a transmission point in Adelaide and a transmission point in Murray Bridge and, Port Augusta

Inter-exchange transmission (metropolitan areas)

- (h) inter-exchange transmission for the following metropolitan ESAs:
 - (1) in Sydney between transmission points located at an exchange in any of the following ESAs: Ashfield, Balgowlah, Bankstown, Blacktown, Burwood, Campsie, Carramar, Castle Hill, Chatswood, Coogee, Cremorne, East, Eastwood, Edgecliff, Epping, Glebe, Granville, Harbord, Homebush, Hornsby, Hurstville, Kensington, Kingsgrove, Kogarah, Lakemba, Lane Cove, Lidcombe, Liverpool, Mascot, Mosman, Newtown, North Parramatta, North Ryde, North Sydney, Parramatta, Pendle Hill, Pennant Hills, Petersham, Randwick, Redfern, Revesby, Rockdale Rydalmere, Ryde, Seven Hills, Silverwater, St Leonards, Undercliffe, Waverley

- (2) in Brisbane between transmission points located at an Exchange in any of the following ESAs: Paddington, South Brisbane, Toowong, Valley, Woolloongabba
- (3) in Melbourne between transmission points located at an Exchange in any of the following ESAs: Ascot, Brunswick, Caulfield, Coburg, Elsternwick, Footscray, Heidelberg, Malvern, Moreland, North Melbourne, Port Melbourne, Preston, Richmond, South Melbourne, St Kilda, Toorak
- (4) in Perth between transmission points located at an Exchange in any of the following ESAs: South Perth and Subiaco

Inter-exchange transmission (CBD areas)

- (i) inter-exchange transmission for the following CBD ESAs:
 - (1) in Sydney between transmission points located at an Exchange in any of the following ESAs: City South, Dalley, Haymarket, Kent, Pitt and exempted Sydney Metropolitan ESAs as set out in item (h)(1) of this service description
 - (2) in Brisbane between transmission points located at an Exchange in any of the following ESAs: Charlotte, Edison, Spring Hill and exempted Brisbane Metropolitan ESAs as set out in item (h)(2) of this service description
 - (3) in Adelaide between transmission points located at an Exchange in any of the following ESAs: Flinders and Waymouth.
 - (4) in Melbourne between transmission points located at an Exchange in any of the following ESAs: Batman, Exhibition, Lonsdale and exempted Melbourne Metropolitan ESAs as set out in item (h)(3) of this service description
 - (5) in Perth between transmission points located at an Exchange in any of the following ESAs: Bulwer, Pier, Wellington and exempted Perth Metropolitan ESAs as set out in item (h)(4) of this service description

Definitions

Where words or phrases used in this Annexure are defined in the *Trade Practices Act 1974* or the *Telecommunications Act 1997*, they have the meaning given in that Act.

an access seeker network location is a point in a network operated by a service provider that is not a point of interconnection or a customer transmission point

a customer transmission point is a point located at customer equipment at a service provider's customer's premises in Australia (for the avoidance of doubt, a customer in this context may be another service provider)

network interfaces include Ethernet, Plesiochronous Digital Hierarchy (PDH) and Synchronous Digital Hierarchy (SDH) network interfaces used to provide a transmission rate of 2.048 Megabits per second or above which an access provider provides to itself or others

exchange means a telecommunications exchange and includes the land, buildings and facilities (within the meaning of section 7 of the *Telecommunications Act 1997* (Cth)) that comprise or form part of the exchange

exchange service area or **ESA** has the meaning given to that phrase by the Australian Communications Industry Forum Limited definition in ACIF C559:2006, Part 1

a point of interconnection is a physical point of interconnection in Australia between a network operated by a carrier or a carriage service provider and another network operated by a service provider

a transmission point is any of the following:

- a) a point of interconnection
- b) a customer transmission point
- c) an access seeker network location

uncontended means dedicated and not shared

Annexure 2 – DTCS Service Description

The domestic transmission capacity service is a service for the carriage of certain communications from one transmission point to another transmission point via symmetric network interfaces on a permanent uncontended basis by means of guided and/or unguided electromagnetic energy, including services provided on or over:

- inter-capital routes
- regional routes
- metropolitan routes, and
- tail-end routes

except communications between:

- (a) one customer transmission point directly to another customer transmission point
- (b) one access seeker network location directly to another access seeker network location
- (c) in the case of inter-capital routes, a transmission point located at an exchange in a deregulated ESA within one capital city boundary to a transmission point located at an exchange in a deregulated ESA within another capital city boundary

Note: Refer to Table 1 for the exchange serving areas (ESAs) which are deregulated in each capital city and Table 3 for the boundaries of each capital city.

- (d) in the case of regional routes, a transmission point located at an exchange in a deregulated regional ESA to a transmission point located at an exchange in a deregulated ESA in Sydney, Melbourne, Brisbane or Adelaide

Note: Refer to Table 1 for the ESAs which are deregulated in Sydney, Melbourne, Brisbane and Adelaide. Refer to Table 2 for the list of deregulated regional ESAs.

or

- (e) in the case of metropolitan routes, transmission points located at an exchange between:
 - (1) any of the deregulated metropolitan ESAs in Sydney
 - (2) any of the deregulated metropolitan ESAs in Brisbane
 - (3) any of the deregulated metropolitan ESAs in Melbourne
 - (4) any of the deregulated metropolitan ESAs in Perth, or
 - (5) any of the deregulated metropolitan ESAs in Adelaide.

Note: Refer to Table 1 for the ESAs which are deregulated in each capital city.

The exceptions in paragraphs (c), (d) and (e) do not apply to any service that is comprised of an inter-capital, regional or metropolitan route that is bundled with or incorporates a tail-end route.

Definitions

Where words or phrases used in this Annexure are defined in the *Competition and Consumer Act 2010* or the *Telecommunications Act 1997*, they have the meaning given in those Acts

an access seeker network location is a point in a network operated by a service provider that is not a point of interconnection or a customer transmission point

a customer transmission point is a point at which a service provider delivers a service to its own customers (either wholesale or retail). For the avoidance of doubt, a customer in this context may be another service provider

exchange means a telecommunications exchange and includes the land, buildings and facilities (within the meaning of section 7 of the *Telecommunications Act 1997* (Cth)) that comprise or form part of the exchange

exchange serving area or **ESA** means the area served from a traditional local exchange building

inter-capital route means a route from a transmission point within one capital city boundary to a transmission point within another capital city boundary in Adelaide, Brisbane, Canberra, Melbourne, Perth or Sydney. Capital city boundaries are listed in Table 3

metropolitan route means a route where both the transmission points for the beginning and end of the route are within the same capital city boundary. Capital city boundaries are listed in Table 3

network interfaces include, but are not limited to, Ethernet, Plesiochronous Digital Hierarchy (PDH) and Synchronous Digital Hierarchy (SDH) network interfaces used to provide a transmission rate of 2.048 Megabits per second or above which an access provider provides to itself or others

a point of interconnection is a physical point of interconnection in Australia between a network operated by a carrier or a carriage service provider and another network operated by a service provider

regional route means a route where either one or both of the transmission points for the beginning and end of the route are outside a capital city boundary. Capital city boundaries are listed in Table 3.

tail-end route means a route where both the transmission points for the beginning and end of the route are within the same ESA

a transmission point is any of the following:

- a) a point of interconnection

- b) a customer transmission point
- c) an access seeker network location

uncontended means dedicated and not shared

Table 1: Deregulated ESAs in each capital city

Deregulated Metropolitan Areas	ESA names
Sydney	Ashfield, Balgowlah, Balmain, Bankstown, Baulkham Hills, Blacktown, Bondi, Botany, Burwood, Campbelltown, Campsie, Carlingford, Carramar, Castle Hill, Chatswood, City South, Coogee, Concord, Cremorne, Cronulla, Dalley, Dee Why, Drummoyne, East, Eastwood, Edensor Park, Edgecliff, Engadine, Epping, Erskine Park, Frenchs Forest, Glebe, Granville, Guildford, Harbord, Haymarket, Homebush, Hornsby, Hunters Hill, Hurstville, Ingleburn, Kensington, Kent, Killara, Kingsgrove, Kogarah, Lakemba, Lane Cove, Lidcombe, Liverpool, Manly, Maroubra, Mascot, Miller, Minto, Miranda, Mosman, Newtown, North Parramatta, Penrith, North Ryde, North Sydney, Parramatta, Peakhurst, Pendle Hill, Pennant Hills, Petersham, Pitt, Pymble, Randwick, Redfern, Revesby, Rockdale, Rose Bay, Rydalmere, Ryde, Seven Hills, Silverwater, Sutherland, St Leonards, St Marys, Undercliffe, Wahroonga, Waverley, Wetherill Park, Willoughby
Brisbane	Acacia Ridge, Albion, Alexandra Hills, Bulimba, Browns Plains, Charlotte, Chermside, Chapel Hill, Capalaba, Coorparoo, Edison, Eight Mile Plains, Everton Park, Goodna, Inala, Lutwyche, Mitchelton, Mount Gravatt, Nundah, New Farm, Paddington, Petrie, Salisbury, Slacks Creek, South Brisbane, Spring Hill, Sunnybank, Tingalpa, Toowong, Valley, Woolloongabba, Wynnum, Yeronga, Zillmere
Melbourne	Ascot, Batman, Berwick, Blackburn, Brooklyn, Brunswick, Bundoora, Burwood, Camberwell, Canterbury, Carlton, Caulfield, Cheltenham, Coburg, Collingwood, Croydon, Dandenong, Deepdene, East Kew, Elsternwick, Epping, Exhibition, Flemington, Footscray, Glen Iris, Hawthorn, Heidelberg, Highett, Kooyong, Lonsdale, Malvern, Mitcham, Moreland, North Balwyn, Northcote, North Essendon, North Melbourne, Oakleigh, Port Melbourne, Preston, Richmond, Ringwood, South Melbourne, St Kilda, Sunshine, South Yarra, Tally Ho, Thomastown, Thornbury, Toorak, Tullamarine, Wheelers Hill, Windsor, Wantirna
Perth	Bateman, Bulwer, Cannington, Cottesloe, Doubleview, Hilton, Maylands, Pier, South Perth, Subiaco, Victoria Park, Wellington
Adelaide	Brighton, Croydon, Gepps Cross, Flinders, Golden Grove, Norwood, Salisbury, Stirling, St Peters, Unley, Waymouth, West Adelaide, St Marys
Canberra	Civic

Table 2: Deregulated Regional ESAs

State	Deregulated Regional Areas/Routes	ESAs included
New South Wales	Albury	Albury, Lavington
	Bathurst	Bathurst
	Lismore	Lismore
	Newcastle	Mayfield, Hamilton, Wolfe, New Lambton, Charlestown
	Grafton	Grafton
	Wollongong	Wollongong, Unanderra, Corrimal, Dapto
	Taree	Taree
	Dubbo	Dubbo
	Gosford	Gosford
	Coffs Harbour	Coffs Harbour
	Goulburn	Goulburn
	Orange	Orange
	Wagga Wagga	Wagga Wagga
Victoria	Ballarat	Ballarat
	Bendigo	Bendigo
	Geelong	Geelong, North Geelong
	Shepparton	Shepparton
Queensland	Ipswich	Ipswich
	Toowoomba	Toowoomba
	Gold Coast	Southport, Nerang, Merrimac, Arundel, Bundall, Surfers Paradise, Robina, Mudgeeraba, Oxenford
	Moreton Bay	Rothwell, Narangba
	Logan	Beenleigh, Loganholme
	Sunshine Coast	Caloundra, Mooloolaba, Maroochydore
	Townsville	Townsville
South Australia	Murray Bridge	Murray Bridge
	Port Augusta	Port Augusta
	Smithfield	Smithfield

Table 3: Capital City Boundaries

Adelaide	A 25 km radius from the Waymouth ESA including the ESAs of: Balhannah, Blackwood, Brighton, Brooklyn Park, Chain of Ponds, Clarendon, Coromandel Valley, Croydon, Edwardstown, Elizabeth, Flinders, Gepps Cross, Glenelg, Glenunga, Golden Grove, Greenwith, Hahndorf, Hampstead, Henley Beach, Inglewood, Lenswood, Lonsdale, Modbury, Montacute, Morphett Vale East, Mylor, North Adelaide, Norwood, Osborne, Paradise, Port Adelaide, Prospect, Reynella, Salisbury, Scott Creek, Semaphore, St Marys, St Peters, Stirling, Summertown, Unley, Waterloo Corner, Waymouth, West Adelaide, Woodville
Brisbane	A 25 km radius from the Edison ESA including the ESAs of: Acacia Ridge, Albany Creek, Albion, Alexandra Hills, Ascot, Ashgrove, Aspley, Bald Hills, Brisbane Airport, Brookfield, Browns Plains, Bulimba, Camp Hill, Capalaba, Cashmere, Chapel Hill, Charlotte, Chermside, Closeburn, Coorparoo, Darra, Edison, Eight Mile Plains, Everton Park, Ferny Hills, Goodna, Highvale, Inala, Jamboree Heights, Kallangur, Karalee, Lutwyche, Lytton, Mitchelton, Moggill, Mount Crosby, Mount Gravatt, Mount Nebo, New Farm, Newmarket, Nudgee, Nundah, Paddington, Petrie, Pinkenba, Redcliffe, Salisbury, Samford, Sandgate, Sherwood, Slacks Creek, South Brisbane, Spring Hill, Strathpine, Sunnybank, The Gap, Thornlands, Tingalpa, Toowong, Valley, Wacol, Warner, Wellington Point, Woolloongabba, Wynnum, Yeronga, Zillmere
Canberra	A 15 km radius from the Barton ESA including the ESAs of: Barton, Belconnen, Civic, Crace, Deakin, Fyshwick, Jerrabomberra, Kambah, Manuka, Mawson, Melba, Monash, Queanbeyan, Scullin, Tralee, Tuggeranong, Weston Creek
Darwin	A 10 km radius from the Nightcliff ESA including the ESAs of: Berrimah, Casuarina, Darwin, Nightcliff
Hobart	A 6 km radius from the Bathurst ESA including the ESAs of: Bathurst, Davey, Glenorchy, New Town, Sandy Bay
Melbourne	A 45 km radius from the Kooyong ESA including the ESAs of: Altona, Arthurs Creek, Ascot, Balaclava, Batman, Baxter, Bayswater, Bayswater North, Beaconsfield Upper, Beaumaris, Belgrave, Bentleigh, Berwick, Berwick South, Blackburn, Boronia, Box Hill, Brighton, Broadmeadows, Brooklyn, Brunswick, Bulla, Bulleen, Bundoora, Camberwell, Campbellfield, Canterbury, Carlton, Carrum Downs, Caulfield, Chelsea, Cheltenham, Clayton, Clyde, Coburg, Cockatoo, Coldstream, Collingwood, Craigieburn, Cranbourne, Cranbourne North, Croydon, Dandenong, Dandenong North, Dandenong South, Deepdene, Deer Park, Derrimut, Devon Meadows, Diamond Creek, Diggers Rest, Dixons Creek, Doncaster, Doncaster East, East Kew, Eden Park, Elsternwick, Eltham, Elwood, Emerald, Endeavour Hills, Epping, Exhibition,

	<p>Fawkner, Ferntree Gully, Ferny Creek, Flemington, Footscray, Frankston, Gardenvale, Glen Iris, Glenroy, Greensborough, Greenvale, Gruyere, Hallam, Hartwell, Hawthorn, Heatherton, Heidelberg, Highett, Hurstbridge, Ivanhoe, Jordanville, Kalkallo, Kangaroo Ground, Karingal, Keilor, Kew, Keysborough, Kings Park, Kooyong, Laverton, Laverton South, Lilydale, Lonsdale, Lyndhurst, Lysterfield, Maidstone, Malvern, Melton, Mernda, Mitcham, Monbulk, Montrose, Mooroolbark, Mordialloc, Moreland, Mornington, Mount Cottrell, Mount Eliza, Mount Evelyn, Narre Warren, Narre Warren North, Newport, North Balwyn, North Essendon, North Melbourne, Northcote, Oakleigh, Officer, Olinda, Ormond, Pakenham Upper, Pantom Hill, Pearcedale, Point Cook, Port Melbourne, Preston, Research, Reservoir, Richmond, Ringwood, Rockbank, Rowville, Sandringham, Scoresby, Seaford, Seaford North, Silvan, Somerton, Somerville, South Melbourne, South Morang, South Oakleigh, South Yarra, Springvale, St Albans, St Andrews, St Kilda, Sunbury, Sunshine, Sydenham, Tally Ho, Tarneit, Templestowe, Thomastown, Thornbury, Toorak, Tullamarine, Wandin, Wantirna, Warrandyte, Warranwood, Werribee, Werribee South, West Essendon, Wheelers Hill, Whittlesea, Williamstown, Windsor, Wollert, Wonga Park, Woori Yallock, Yarra Glen, Yarrambat, Yellingbo</p>
Perth	<p>A 30 km radius from the Wellington ESA including the ESAs of: Applecross, Armadale, Ascot, Attadale, Balcatta, Ballajura, Bassendean, Bateman, Beechboro, Bulwer, Burns, Canning Vale, Cannington, Carmel, City Beach, Cottesloe, Currambine, Darlington, Doubleview, Ellenbrook, Forrestdale, Forrestfield, Fremantle, Girrawheen, Glen Forrest, Gosnells, Greenmount, Hamersley, Herne Hill, Hilton, Jandakot, Jandakot South, Joondalup, Kalamunda, Kelmscott, Kewdale, Kingsley, Landsdale, Lesmurdie, Maddington, Maida Vale, Manning, Maylands, Midland, Morley, Mount Hawthorn, Mullaloo, Munster, Nedlands, Ocean Reef, Palmyra, Parkerville, Pickering Brook, Pier, Pinjar, Riverton, Roleystone, Scarborough, South Coogee, South Perth, Spearwood, Subiaco, Tuart Hill, Victoria Park, Wanneroo, Wellington, Wembley</p>
Sydney	<p>A 50 km radius from the City South ESA including the ESAs of: Ashfield, Austral, Avalon Beach, Avoca Beach, Balgowlah, Balmain, Bankstown, Baulkham Hills, Berkshire Park, Berowra, Berrilee, Blacktown, Blakehurst, Bondi, Botany, Bringelly, Brooklyn, Campbelltown, Campbelltown South, Campsie, Canoelands, Carlingford, Carramar, Castle Hill, Cattai, Chatswood, City South, Como, Concord, Coogee, Cranebrook, Cremorne, Cronulla, Dalley, Dee Why, Drummoyne, Dural, East, Eastwood, Ebenezer, Edensor Park, Edgecliff, Elderslie, Engadine, Epping, Erskine Park, Fiddletown, Five Dock, Frenchs Forest, Galston, Glebe, Glenorie, Granville, Guildford, Gunderman, Harbord, Haymarket, Helensburgh, Holsworthy,</p>

	Homebush, Hornsby, Horsley Park, Hunters Hill, Hurstville, Ingleburn, Kariong, Kellyville, Kemps Creek, Kensington, Kent, Kenthurst, Kenthurst North, Killara, Kincumber, Kingsgrove, Kogarah, Kurnell, Lakemba, Lane Cove, Leppington, Lidcombe, Lindfield, Liverpool, Llandilo, Luddenham, Manly, Maraylya, Maroota South, Maroubra, Mascot, Matraville, Menai, Miller, Minto, Miranda, Mona Vale, Mooney Mooney, Mosman, Mount Kuring-gai, Mount White, Narellan, Narrabeen, Newtown, North Parramatta, North Ryde, North Sydney, Northbridge, Orchard Hills, Palm Beach, Parramatta, Patonga Beach, Peakhurst, Pendle Hill, Pennant Hills, Penrith, Petersham, Pitt, Pitt Town, Pymble, Quakers Hill, Ramsgate, Randwick, Redfern, Revesby, Riverstone, Rockdale, Rooty Hill, Rose Bay, Rouse Hill, Rydalmere, Ryde, Saratoga, Sefton, Seven Hills, Shalvey, Silverwater, South Strathfield, Spencer, St Helens Park, St Leonards, St Marys, Sutherland, Sylvania, Terrey Hills, Undercliffe, Vacluse, Wagstaff Point, Wahroonga, Waverley, Wetherill Park, Wilberforce, Willoughby, Windsor, Woy Woy
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