

TRADE PRACTICES ACT 1974

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

1. Pursuant to sections 152AL, 152ALA and 152AO of the *Trade Practices Act 1974* (Act), and with effect from 1 April 2009, the Australian Competition and Consumer Commission (Commission) varies the domestic transmission capacity service (DTCS) declaration made on 1 April 2004 under section 152AL of the Act (the DTCS declaration) by deleting Annexure 1 to the DTCS declaration and replacing it with Annexure 1 to this instrument.
2. Pursuant to subsection 152ALA(4) of the Act, the Commission extends the expiry date of the DTCS declaration to 31 March 2014.

Note: The previous expiry date is 31 March 2009.



Graeme Julian Samuel
Chairman

Dated: 20th March 2009

Annexure 1 – 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 network interfaces at a designated rate on a permanent basis by means of guided and/or unguided electromagnetic energy, except communications between:

- (a) one customer transmission point and another customer transmission point
- (b) a transmission point in an exempt capital city and a transmission point in another exempt capital city
- (c) one access seeker network location and another access seeker network location

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 and, with effect from 25 November 2009, 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 and, with effect from 25 November 2009, Townsville, Rockhampton, Bundaberg and Maryborough
- (g) a transmission point in Adelaide and a transmission point in Murray Bridge and, with effect from 25 November 2009, Port Augusta

Inter-exchange transmission (metropolitan areas)

- (h) with effect from 25 November 2009, 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 the ESAs South Perth and Subiaco.

Inter-exchange transmission (CBD areas)

- (i) with effect from 25 November 2009, inter-exchange transmission for the following CBD ESAs:
 - (5) in Sydney between transmission points located at an Exchange in any of the following ESAs: City South, Dalley, Haymarket, Kent and Pitt.
 - (6) in Brisbane between transmission points located at an Exchange in any of the following ESAs: Charlotte, Edison and Spring Hill.
 - (7) in Adelaide between transmission points located at an Exchange in any of the following ESAs: Flinders and Waymouth.
 - (8) in Melbourne between transmission points located at an Exchange in any of the following ESAs: Batman, Exhibition and Lonsdale.
 - (9) in Perth between transmission points located at an Exchange in the ESAs Bulwer, Pier and Wellington.
 - (10) in Sydney between transmission points located at an Exchange in
 - i. any of the following ESAs: City South, Dalley, Haymarket, Kent and Pitt; and
 - ii. any of the Sydney Metro Exemption ESAs
 - (11) in Brisbane between transmission points located at an Exchange in
 - i. any of the following ESAs: Charlotte, Edison and Spring Hill; and
 - ii. any of the Brisbane Metro Exemption ESAs
 - (12) in Melbourne between transmission points located at an Exchange in
 - i. any of the following ESAs: Batman, Exhibition and Lonsdale; and

ii. any of the Melbourne Metro Exemption ESAs.

(13) in Perth between transmission points located at an Exchange in

i. any of the following ESAs: Bulwer, Pier and Wellington; and

ii. any of the Perth Metro Exemption ESAs.

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 as given in the relevant Act.

In this appendix:

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

an **exempt capital city** means Adelaide, Brisbane, Canberra, Melbourne, Perth or Sydney

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)

a **designated rate** is 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 to 35 Megabits per second, 140/155 Megabits per second (or higher orders)

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.