

## Variation instrument

### COMPETITION AND CONSUMER ACT 2010

Variation of Final Access Determination No. 1 of 2016 made under section 152BC by the Australian Competition and Consumer Commission

Application of DTCS FAD terms to declared routes and ESAs

#### 1. Title

This Determination may be cited as:

Final Access (Variation) Determination No. 8 of 2019 (DTCS)

#### 2. Commencement

This Determination comes into effect on 19 December 2019.

#### 3. Variation

Final Access Determination No. 1 of 2016 (DTCS) is hereby varied as set out below:

Schedule 1 – Definitions and Interpretation is amended to include the following terms:

**A-end of the Christmas Island Service** 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 Christmas Island Service.

**Christmas Island** means the Australian External Territory of Christmas Island

**Christmas Island ESA** means the ESA of Christmas Island

**Christmas Island Service** means a DTCS provided between the Christmas Island ESA and any other ESA in Australia

**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)

Schedule 2 – Price

Clause 2.2 is amended as follows:

2.2 The charge for the DTCS, other than the Christmas Island Service, supplied for a period of 12 months is to be ascertained by multiplying the monthly price determined by the formula in Table 1 by 12 and adding the non-recurring charges set out in Table 2 below.

Note: A DTCS Pricing Calculator that can be used to ascertain the price for a particular

Service in accordance with Table 1 can be found on the ACCC website (www.accc.gov.au).

Clause 2.6 is amended as follows:

2.6 The charge for the Christmas Island Service is the corresponding 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 plus an uplift of 470% on the DTCS FAD price for a service provided over a regional route of 2600km at the required data rate, in accordance with the formula set out in Table 1.2 below:

Table 1.2: Price terms for the Christmas Island Service

The price for the Christmas Island Service = DTCS price<sub>A-S</sub> + 5.7 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.
- The charge for the Christmas Island Service derived from the formula in Table 2 above is a maximum charge for that DTCS.

Clause 2.6 is renumbered as Clause 2.7

Date of decision: 11 December 2019