

COMPETITION AND CONSUMER ACT 2010

Variation of Final Access Determinations No. 1 to 6 of 2011 made under section 152BC by the Australian Competition and Consumer Commission

Removal of the application of the category A standard access obligations in respect of WLR, LCS and PSTN OA provided over the NBN

1. Title

These Determinations may be cited as:

Final Access (Variation) Determination No.1 of 2012 (LSS)
Final Access (Variation) Determination No.2 of 2012 (LCS)
Final Access (Variation) Determination No.3 of 2012 (PSTN OA)
Final Access (Variation) Determination No.4 of 2012 (PSTN TA)
Final Access (Variation) Determination No.5 of 2012 (ULLS)
Final Access (Variation) Determination No.6 of 2012 (WLR)

2. Commencement

These Determinations come into effect on 29 June 2012.

3. Variation

Final Access Determination No. 1 of 2011 (LSS)
Final Access Determination No. 2 of 2011 (LCS)
Final Access Determination No. 3 of 2011 (PSTN OA)
Final Access Determination No. 4 of 2011 (PSTN TA)
Final Access Determination No. 5 of 2011 (ULLS)
Final Access Determination No. 6 of 2011 (WLR)

are hereby varied as set out below:

After Clause 4.1 insert:

4.1A

- (a) Notwithstanding the obligation in clause 4.1, the category A standard access obligations (SAOs) in section 152AR of the *Competition and Consumer Act 2010* do not apply to WLR or LCS or PSTN OA (preselect and override) services supplied over the National Broadband Network (NBN).

- (b) For the avoidance of doubt, this variation does not affect the obligation to supply WLR, LCS and PSTN OA services in accordance with the SAOs over available copper infrastructure, including in NBN estates.

4.1B Clause 4.1A commences on 29 June 2012 and ceases to have effect on the earlier of:

- 31 March 2013, or
- the date on which Telstra can supply a wholesale NBN voice service.

Note: Telstra must not delay the supply of its wholesale NBN voice services. This variation is intended to only apply for the period that regulatory and technical barriers prevent Telstra from supplying wholesale voice services over the NBN. The ACCC expects that Telstra will release its wholesale NBN voice services no later than its retail NBN voice services (whether the services are supplied as a standalone or bundled product).

4.1C Wholesale NBN voice service includes a wholesale voice service that utilises either the UNI-D or UNI-V port of the NBN Co optical network terminal.

4.1D Telstra must advise access seekers 14 days prior to making a wholesale NBN voice service available for supply. Telstra must do this by publishing a notice on its website, advising access seekers of the date from which a wholesale NBN voice service is available for supply.

4.1E Telstra must advise the ACCC, in writing, 14 days prior to making a wholesale NBN voice service available for supply.