

## ***Competition and Consumer Act 2010***

### **Notice of extension of decision making period for making an access determination under subsection 152BCK(3)**

1. Pursuant to subsection 152BCK(3) of the *Competition and Consumer Act 2010* (CCA), the Australian Competition and Consumer Commission (Commission) extends the period for making a final access determination for the Local Bitstream Access Service (LBAS FAD) to 7 October 2016.
2. The Commission has been unable to make the LBAS FAD within the decision making period as previously extended.
3. This is because the Commission considers it is appropriate to release papers on the LBAS FAD after the conclusion of the Superfast Broadband Access Service (SBAS) declaration inquiry which commenced on 11 September 2014 and is currently ongoing. If the ACCC were to declare an SBAS, it would likely have similar characteristics to the LBAS and therefore, a consultation in relation to an access determination for the LBAS is likely to consider matters also relevant to SBAS pricing.
4. The further extension of the inquiry will allow the Commission to commence and undertake an appropriate degree of consultation on the LBAS FAD after the conclusion of the SBAS declaration inquiry, including through the release of ACCC papers and consideration of material in response to those papers.
5. The Commission intends to release a discussion paper on the LBAS FAD in 2016.

Note 1: The Commission commenced a public inquiry into making an access determination in relation to the LBAS on 7 April 2015.

Note 2: On 7 October 2015 the ACCC extended the period for making an access determination for the LBAS by 6 months, to 7 April 2016

Dated this 24<sup>th</sup> day of February 2016



Rodney Graham Sims  
Chairman  
Australian Competition and Consumer Commission