

Competition and Consumer Act 2010

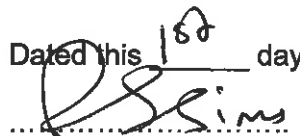
Notice of extension of decision making period for making an access determination under subsection 152BCK(3)

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 April 2017.
2. The Commission has been unable to make the LBAS FAD within the decision making period as previously extended. This is because the Commission considered it is appropriate to undertake consultation on the LBAS FAD after the conclusion of the Superfast Broadband Access Service (SBAS) declaration inquiry.
3. On 29 July 2016 the Commission announced that it had declared a Superfast Broadband Access Service (SBAS) and commenced a public inquiry into making a final access determination for this service (SBAS FAD). The Commission also decided to combine the LBAS FAD inquiry with the SBAS FAD inquiry. The Commission will release a discussion paper and undertake consultation on both the LBAS FAD and the SBAS FAD concurrently, or undertake combined consultation as appropriate, as the services have similar characteristics and consultation on these services will likely raise comparable issues.
4. The further extension of the inquiry will allow the Commission to commence and undertake an appropriate degree of consultation on both the LBAS FAD and the SBAS FAD, including through the release of ACCC papers and consideration of material in response to those papers. The Commission intends to release a combined discussion paper on the LBAS FAD and the SBAS FAD in the second half of 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: The Commission extended the decision making period for making an LBAS access determination from 7 October 2015 to 7 April 2016, and further extended the period from 7 April 2016 to 7 October 2016.

Dated this 16th day of September 2016


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Rodney Graham Sims
Chairman

Australian Competition and Consumer Commission