

ACCESS DISPUTE BETWEEN
OPTUS NETWORKS PTY LIMITED (ACCESS SEEKER)

AND

TELSTRA CORPORATION LIMITED (ACCESS PROVIDER)
DOMESTIC MOBILE TERMINATING ACCESS SERVICE (MTAS)

Access Dispute Notified under Section 152CM (1) of the *Trade Practices Act 1974* (the Act)
on 22 December 2006

Final Determination under section 152CP of the Act

BACKGROUND

1. On 22 December 2006, the Australian Competition and Consumer Commission (**ACCC**) received written notification (**Notification**) from Optus Networks Pty Limited (**Optus Networks**) of an access dispute in relation to the supply of the MTAS by Telstra Corporation Limited (**Telstra**) to Optus Networks (**Dispute**).
2. On 25 January 2007, the ACCC issued an interim determination in this Dispute which set a price payable by Optus Networks to Telstra for the MTAS to be 12 cents per minute (**cpm**) for the period commencing 25 January 2007 and expiring on 30 June 2007 or the date a final determination comes into effect.
3. Pursuant to section 152CP(1) of the Act, this instrument is the final determination relating to the terms and conditions of Telstra's supply of the MTAS to Optus Networks.

FINAL DETERMINATION

4. Except where the parties agree otherwise, the price payable by Optus Networks to Telstra for the MTAS is to be **12 cpm** for the period commencing on 1 January 2007 and expiring on 30 June 2007 and **9 cpm** for the period commencing on 1 July 2007 and expiring on 31 December 2007.
5. Where Optus Networks has paid a charge in excess of that specified by paragraph 4, the difference between the charge paid by Optus Networks and the charge specified in paragraph 4, is regarded as money required to be paid by Telstra to Optus Networks (**Overpayment**).

Note: For calculating the amount of Overpayment, parties should take into account the charge paid by Optus Networks under the interim determination that came into effect on 25 January 2007 and make adjustments accordingly.

6. Interest is payable by Telstra to Optus Networks on any Overpayment relevant for the period 1 January 2007 to the date on which this determination takes effect, being 21 days after this determination is made.
7. Interest is to be calculated daily at the applicable monthly rate specified in the Large Business Variable Indicator Rate published by the Reserve Bank of Australia (RBA).

The Large Business Variable Indicator Rate is available at RBA website:
www.rba.gov.au.

8. Except where the parties agree otherwise, such total payment is to be made within 21 days after the date on which this determination takes effect.
9. Except where the parties agree otherwise, other terms and conditions on which Telstra currently supplies the MTAS to Optus Networks are to continue to apply.



Graeme Samuel
Chairman

Ed Willett
Commissioner

DATED: 20 December 2007