

ACCESS DISPUTE BETWEEN
TELSTRA CORPORATION LIMITED (ACCESS SEEKER)

AND

OPTUS MOBILE PTY 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 13 November 2006

Final Determination under section 152CP of the Act

BACKGROUND

1. On 13 November 2006, the Australian Competition and Consumer Commission (**ACCC**) received written notification (**Notification**) from Telstra Corporation Limited (**Telstra**) of an access dispute in relation to the supply of the MTAS by Optus Mobile Pty Limited (**Optus Mobile**) to Telstra (**Dispute**).
2. On 18 December 2006, the ACCC issued an interim determination in relation to this Dispute which came into effect on 1 January 2007. The interim determination set a price payable by Telstra to Optus Mobile for the MTAS to be 12 cents per minute (**cpm**) for the period commencing 1 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 Optus Mobile's supply of the MTAS to Telstra.

Final Determination

4. Except where the parties agree otherwise, the price payable by Telstra to Optus Mobile 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 Telstra has paid a charge in excess of that specified by paragraph 4, the difference between the charge paid by Telstra and the charge specified in paragraph 4, is regarded as money required to be paid by Optus Mobile to Telstra (**Overpayment**).

Note: For calculating the amount of Overpayment, parties should take into account the charge paid by Telstra under the interim determination that came into effect on 1 January 2007 and make adjustments accordingly.

6. Interest is payable by Optus Mobile to Telstra 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 Optus Mobile currently supplies the MTAS to Telstra are to continue to apply.



Graeme Samuel
Chairman

Ed Willett
Commissioner

DATED: 20 December 2007