

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*, the Australian Competition and Consumer Commission (Commission) extends the period for making final access determinations for the fixed line services (being the unconditioned local loop service (ULLS), line sharing service (LSS), fixed originating access service (FOAS), fixed terminating access service (FTAS), wholesale ADSL, wholesale line rental (WLR) service and local carriage service (LCS)) to 11 July 2015.
2. The Commission has been unable to make the final access determinations (FADs) within the inquiry period, as previously extended. The Commission has received submissions to its discussion paper on primary prices up to and including on 6 November 2014. The Commission intends to release a draft decision on primary and supplementary prices in early 2015 and a final decision by July 2015. The ACCC considers it will be unable to undertake an appropriate degree of consultation and allow it and stakeholders to fully consider the relevant material received in response to the draft decision unless the inquiry is further extended.
3. The Commission has also been unable to make the FADs within the inquiry period, as previously extended, because of the need to undertake an appropriate degree of consultation on non-price terms and conditions. The Commission released a discussion paper on non-price terms and conditions on 30 October 2014, with submissions due on 12 December 2014. The ACCC expects it will release a draft decision on non-price terms and conditions in early 2015 and a final decision by July 2015. The Commission considers it will be unable to fully consider the material received in response to the discussion paper and the draft decision unless the inquiry is further extended.
4. The Commission considers that the extension of the decision making period:
 - a. should allow for further industry consultation on price and non-price terms and conditions to be included in the final access determinations;
 - b. allow sufficient time for the Commission to make draft access determinations; and
 - c. allow sufficient time for the Commission to consider submissions on draft access determinations and make final access determinations.

Note: The Commission commenced a public inquiry into making access determinations in relation to the seven fixed line services on 11 July 2013. The Commission extended the inquiry on 11 December 2013 from 11 January 2014 to 11 July 2014; and on 2 July 2014, further extended the inquiry from 11 July 2014 to 11 January 2015.

Dated this 10th day of December 2014



Rodney Graham Sims
Chairman
Australian Competition and Consumer Commission