



Australian
Competition &
Consumer
Commission

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22 July 2008

Dr Tony Warren
Executive Director Regulatory Affairs
Telstra Corporation Limited
Unit 11, Level 2
11 National Circuit
BARTON ACT 2600

Dear Dr Warren

Telstra's domestic transmission capacity service (DTCS) exemption application of 24 August 2007

I refer to your letters of 19 June 2008, 2 June 2008 and 28 March 2008 (**Telstra's Response**) to the Australian Competition and Consumer Commission (ACCC) regarding the ACCC's request for information under section 152AU of the *Trade Practices Act 1974 (TPA)* dated 4 January (**Information Request**) and further information request dated 13 May 2008 (**Further Information Request**).

I also refer to your letter of 11 July 2008 informing the ACCC that neither Telstra nor Market Clarity had any objection to the ACCC dealing with the reports on the basis set out in the ACCC's letter of 2 July 2008, including using the Market Clarity reports of 30 May and 12 June 2008 to verify the presence of identified optic infrastructure providers. I note that the letter also acknowledged the ACCC's position that, if it has legitimately obtained information for one statutory purpose, it considers it is under no general duty to disregard the information in the context of another of its statutory duties.

The ACCC now considers the correspondence in Telstra's Response collectively fulfils the Information Request in part, and fulfils the Further Information Request in full. To the extent that Telstra's Response does not satisfy part of the Information Request, the ACCC withdraws the unsatisfied part of that request with this letter.

For the avoidance of doubt, pursuant to section 152AT(11)(b) and section 152AU of the TPA, the period 4 January 2008 to 11 July 2008 inclusive during which the Information Request remained unsatisfied in full or in part, is not counted for the

purpose of calculating the period within which the ACCC must make a decision about the exemption application under section 152AT of the TPA.

Yours sincerely

A handwritten signature in black ink that reads "R. Wright." The signature is written in a cursive style with a large initial 'R'.

Robert Wright
General Manager
Regulatory and Compliance Branch

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DATE: 22.07.2008

TO: Dr Tony Warren c/o
Tracy Thomas

ORGANISATION: Telstra Corporation
Limited

FAX: (02) 9261 8390

FROM: Caitlin Garner

TELEPHONE: (03) 9290 1485

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