



Australian
Competition &
Consumer
Commission

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Our ref: M2008/238
Contact officer: Caitlin Garner
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12 August 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 Metro and CBD Domestic Transmission Capacity Service (DTCS) exemption applications: response to information request

I refer to your letters dated 30 June 2008 and 17 July 2008 in response to an ACCC information request under section 152AU of the *Trade Practices Act 1974* (the Act) of 28 March 2008 (**Information Request**) and further information request of 21 April 2008 (**Further Information Request**) about Telstra's four DTCS exemption applications lodged with the ACCC on 21 December 2007 (**the Applications**).

It is the ACCC's view that Telstra has not provided an adequate response to the Information Request and Further Information Request in respect of the Applications. In particular, the ACCC considers that Telstra has not provided information in response to Question 3(a) and 3(e)(ii) extracted below for convenience.

3. In Appendix 5 to Telstra's Supporting Submission, Market Clarity provides data regarding the number of access fibre owners in each ESA for which exemption is sought. Please provide the following further details in relation to this information for each ESA requested for exemption including any ESAs listed in response to Question 2:
 - a. the identity of the competing access fibre owner.

...

e. If a competing access fibre owner owns infrastructure:

...

- (ii) the identity and location of each fibre owners point of presence (PoPs) in each of the ESAs in the format set out in **Attachment 1, Table 1**.

The ACCC notes that information of a similar nature to that required in response to the questions extracted above has previously been provided in response to an information request by the ACCC about Telstra's exemption application from certain DTCS capital-regional routes lodged with the ACCC on 24 August 2007.

Nothing in this letter should be taken as a withdrawal of the Information Request or Further Information Request. Further, you are reminded that in accordance with section 152AT(11) of the Act, each day that part of an information request remains unfulfilled is not counted for the purpose of calculating the period within which the ACCC must make a decision about the Applications.

I would appreciate your response to this matter by no later than close of business, **19 August 2008**.

If you have any questions regarding this matter please contact Caitlin Garner of this office on (03) 9290 1485.

Yours sincerely



Robert Wright
General Manager

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TO: Dr Tony Warren c/o
Tracy Thomas

ORGANISATION: Telstra

FAX: (02) 9261 8390

FROM: Caitlin Garner

TELEPHONE: (03) 9290 1485

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