

**ORDER in respect of Telstra's PSTN OA CBD individual exemption application of 8 October 2007**

**TRADE PRACTICES ACT 1974**

**Order under paragraph 152AT(3)(a)  
by the Australian Competition and Consumer Commission**

**Individual exemption from standard access obligations  
in respect of PSTN OA**

**1. Title**

This Order may be cited as Individual Exemption Order No. 6 of 2008.

**2. Commencement and Expiry**

- (1) This Order comes into effect 29 October 2009.
- (2) This Order will expire on 31 December 2012 or the expiry or revocation of either the PSTN OA Declaration or the ULLS Declaration, whichever first occurs.

**3. Interpretation**

- (1) Unless the contrary intention appears, where words or phrases used in this Order are defined in the Act, the *Telecommunications Act 1997* or the instrument declaring the Declared Service, those words or phrases have the same meaning in this Order.

- (2) In this Order, unless the contrary intention appears –

*Access Seeker* has the same meaning as in section 152AG of the Act.

*ACMA* means the Australian Communications and Media Authority.

*Act* means the *Trade Practices Act 1974*.

*Attachment A ESAs* means the ESAs listed in Attachment A to this Order.

*Carrier or Carriage Service Provider Specific Access Code* means:

- a. an international Special Service Code (an 001X or 009X code or other equivalent code determined by ACMA); or
- b. a VPN Access Code (an 188X code or other equivalent code determined by ACMA)

*Commencement Date* means the date on which this Order comes into effect in accordance with Item 2 of this Order.

**Commission** means the Australian Competition and Consumer Commission.

**Declared Service** means the PSTN OA.

**End User** means an end-user of carriage services or other services supplied by means of carriage services, rather than the suppliers of these services.

**Exchange Service Area** or **ESA** has the meaning given to that phrase by the Australian Communications Industry Forum Limited definition in ACIF C559:2006, Part 1.

**Exemption** means the exemption specified in Item 4 of this Order.

**PSTN OA** means the Domestic PSTN Originating Access declared by the Commission under subsection 152AL(3) of the Act pursuant to the PSTN OA Declaration.

**PSTN OA Declaration** means the declaration made by the Commission under section 152AL(3) of the Act in respect of the Domestic PSTN OA with effect from 1 August 2006 and published in the *Commonwealth of Australia Gazette* No. GN 31 of 9 August 2006, as varied from time to time.

Note: The Commission may extend or further extend the expiry date of the PSTN OA Declaration under subsection 152ALA(4) of the Act.

**Special Services Global Code** means:

- a. a freephone service code (180X code)
- b. a charge card service code (189XX code)
- c. an information service code (190X code);
- d. a 13 and 1300 code; and
- e. other equivalent or replacement codes determined by ACMA.

**Standard Access Obligations** means the standard access obligations set out in section 152AR of the Act.

**Standard Telephone Service** has the meaning given by section 6 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Cth).

**Telstra** means Telstra Corporation Limited (ACN 051 775 556).

**ULLS** means the Unconditioned Local Loop Service declared by the Commission under subsection 152AL(3) of the Act pursuant to the ULLS Declaration.

**ULLS Declaration** means the declaration made by the Commission under section 152AL(3) of the Act in respect of the ULLS with effect from 1 August 2006 and published in the *Commonwealth of Australia Gazette* No. GN 31 of 9 August 2006, as varied from time to time.

Note: The Commission may extend or further extend the expiry date of the ULLS Declaration under subsection 152ALA(4) of the Act.

#### **4. Exemption**

Subject to the conditions and limitations specified in Item 5 below, Telstra is exempt from the Standard Access Obligations in respect of the supply of PSTN OA within the Attachment A ESAs, except where PSTN OA is being provided in conjunction with a call dialled using a Special Services Global Code or a Carrier or Carriage Service Provider Specific Access Code.

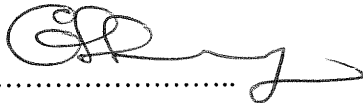
#### **5. Conditions and Limitations**

Under subsection 152AT(5) of the Act, the Exemption is subject to the following limitations:

- 5.1 The Exemption ceases to apply within an Attachment A ESA from the date on which Telstra first ceases to supply the ULLS whether to itself or to other persons within that Attachment A ESA

Note: Telstra will be taken to have ceased to supply the ULLS to itself or other persons if it ceases to be an access provider of the ULLS (within the meaning of subsection 152AR(2)) within the relevant Attachment A ESA.

- 5.2 For the avoidance of doubt, the Exemption will not apply in respect of PSTN OA provided under an agreement which is in force as at the Commencement Date for so long as that agreement remains in force.



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Graeme Julian Samuel

Chairman

DATED: 30 October 2008

## ATTACHMENT A

ESA Code	ESA NAME	STATE
BATM	BATMAN	VIC
BWER	BULWER	WA
CHLT	CHARLOTTE	QLD
CYSH	CITY SOUTH	NSW
DALL	DALLEY	NSW
EDSN	EDISON	QLD
EXHN	EXHIBITION	VIC
FLNF	FLINDERS	SA
HMKT	HAYMARKET	NSW
KNST	KENT	NSW
LONS	LONSDALE	VIC
PIER	PIER	WA
PITT	PITT	NSW
RASH	ROMA STREET	QLD
SGHL	SPRING HILL	QLD
WAYM	WAYMOUTH	SA
WLTE	WELLINGTON	WA