

## ***Competition and Consumer Act 2010***

### **Notice of extension of decision making period for making an access determination under subsection 152BCK(3)**

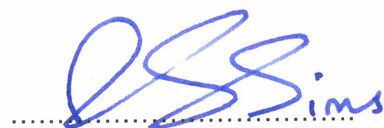
1. Pursuant to subsection 152BCK(3) of the *Competition and Consumer Act 2010*, the Australian Competition and Consumer Commission (Commission) extends the period for making final access determinations for the fixed line services (being the unconditioned local loop service (ULLS), line sharing service (LSS), fixed originating access service (FOAS), fixed terminating access service (FTAS), wholesale line rental (WLR) service, local carriage service (LCS) and the wholesale ADSL service) to 11 January 2015.
2. The Commission is unable to make the final access determinations (FADs) within the inquiry period, as previously extended. The Commission considers that industry consultation on the pricing issues for the inquiry will be promoted by the disclosure of relevant pricing data for the services from Telstra prior to releasing a discussion paper for industry consultation. The data was received from Telstra in November 2013 and February 2014. On 11 June 2014, the Commission gave a disclosure notice to Telstra for the disclosure of information that has been provided under the BBM RKR. A 28 day waiting period applies to the disclosure notice and, therefore, this information can only be disclosed from 10 July 2014. The Commission anticipates that the release of the discussion paper in July 2014 and consideration of the material in response to the discussion paper cannot be undertaken unless the inquiry period is further extended.
3. The Commission is also 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 19 May 2014 and submissions are to be made by 15 July 2014. After considering submissions to the discussion paper, the Commission expects to release a draft decision prior to making a final decision on non-price terms and conditions. The Commission considers that it is unable to fully consider the material received in response to the discussion paper unless the inquiry period is further extended.
4. The Commission considered it appropriate to complete its inquiry into whether to extend, further extend, revoke, vary, allow the declarations to expire and make a new declaration or extend for not more than twelve months and then allow to expire, the declarations of the fixed line services prior to undertaking extensive industry consultation on the issues for the inquiry into making final access determinations for the fixed line services. The Commission completed the declaration inquiry in April 2014 and decided to extend the declarations for the fixed line services for a further period of five years. There has been insufficient time since completing the declaration inquiry to undertake extensive consultation on the price and non-price issues for the fixed line FADs.

5. The Commission considers that the extension of the decision making period :

- a. allows for further industry consultation on price and non-price terms and conditions to be included in the final access determination; and
- b. allows sufficient time for the Commission to make draft access determinations and seek submissions on them.

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 to 11 July 2014.

Dated this 2<sup>nd</sup> day of July 2014



Rodney Graham Sims  
Chairman  
Australian Competition and Consumer Commission