

**Order under paragraph 152AT(3)(a) of the *Trade Practices Act 1974*  
by the Australian Competition and Consumer Commission in respect  
of Telstra's DTCS individual exemption application of 21 December  
2007 in relation to Inter-Exchange Transmission Capacity in CBD  
Areas**

**Individual exemption from standard access obligations  
in respect of DTCS**

**1. Title**

This Order may be cited as Individual Exemption Order No. 9 of 2008.

**2. Commencement and Expiry**

- (1) This Order comes into effect 12 months after the date of release of the Commission's Final Decision on Telstra's individual applications for exemption from the standard access obligations set out in section 152AR of the Act in respect of DTCS in certain nominated areas, lodged 21 December 2007.
- (2) This Order will expire on 31 December 2012 or upon the expiry or revocation of the DTCS Declaration, whichever occurs first.

**3. Interpretation**

- (1) Unless the contrary intention appears, where words or phrases used in this Order are defined in the *Trade Practices Act 1974*, 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 –

*Act* means the *Trade Practices Act 1974* (Cth).

*Brisbane Metro Exemption ESAs* means the ESAs set out in sub-paragraph 4(2) of Individual Exemption Order No. 8 of 2008.

*Commission* means the Australian Competition and Consumer Commission.

*DTCS* means domestic transmission capacity service declared by the Commission under subsection 152AL(3) of the Act pursuant to the DTCS Declaration.

*DTCS Declaration* means the Declaration made by the Commission under subsection 152AL(3) of the Act in respect of the DTCS with effect from the 7 April 2004 and published in the Commonwealth of Australia Gazette No. GN 14 of 7 April 2004, as varied from time to time and any subsequent re-declaration of the DTCS.

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

**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.

**Exchange** means a telecommunications exchange owned or controlled by Telstra and includes the land, buildings and facilities (within the meaning of section 7 of the *Telecommunications Act 1997* (Cth)) that comprise or form part of the exchange.

**Final Decision** means the written statement setting out the ACCC's final decision titled '*Telstra's domestic transmission capacity service exemption applications – final decision and class exemption*' dated 24 November 2008.

**Melbourne Metro Exemption ESAs** means the ESAs set out in sub-paragraph 4(3) of Individual Exemption Order No. 8 of 2008.

**Perth Metro Exemption ESAs** means the ESAs set out in sub-paragraph 4(4) of Individual Exemption Order No. 8 of 2008.

**Sydney Metro Exemption ESAs** means the ESAs set out in sub-paragraph 4(1) of Individual Exemption Order No. 8 of 2008.

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

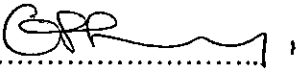
#### **4. Exemption: Inter-exchange transmission (CBD areas)**

Telstra is exempt from the standard access obligations set out in section 152AR of the Act in respect of the supply of DTCS:

- (1) in Sydney between transmission points located at an Exchange in any of the following ESAs: City South, Dalley, Haymarket, Kent and Pitt.
- (2) in Brisbane between transmission points located at an Exchange in any of the following ESAs: Charlotte, Edison and Spring Hill.
- (3) in Adelaide between transmission points located at an Exchange in any of the following ESAs: Flinders, Waymouth.
- (4) in Melbourne between transmission points located at an Exchange in any of the following ESAs: Batman, Exhibition and Lonsdale.
- (5) in Perth between transmission points located at an Exchange in any of the following ESAs: Bulwer, Pier and Wellington.
- (6) in Sydney between transmission points located at an Exchange in
  - i.any of the following ESAs: City South, Dalley, Haymarket, Kent and Pitt;  
and
  - ii.any of the Sydney Metro Exemption ESAs
- (7) in Brisbane between transmission points located at an Exchange in
  - i.any of the following ESAs: Charlotte, Edison and Spring Hill; and
  - ii.any of the Brisbane Metro Exemption ESAs.

- (8) in Melbourne between transmission points located at an Exchange in
- i.any of the following ESAs: Batman, Exhibition and Lonsdale; and
  - ii.any of the Melbourne Metro Exemption ESAs.
- (9) in Perth between transmission points located at an Exchange in
- i.any of the following ESAs: Bulwer, Pier and Wellington; and
  - ii.any of the Perth Metro Exemption ESAs.

[Signed]



Graeme Julian Samuel

Chairman

DATED: 25<sup>th</sup> November 2008