

TRADE PRACTICES ACT 1974 - SECTION 152AT
APPLICATION FOR EXEMPTION FROM STANDARD ACCESS
OBLIGATIONS
DOMESTIC TRANSMISSION CAPACITY SERVICE

24 August 2007

TRADE PRACTICES ACT 1974 - SECTION 152AT
APPLICATION FOR EXEMPTION FROM STANDARD ACCESS
OBLIGATIONS
DOMESTIC TRANSMISSION CAPACITY SERVICE

TO: The Australian Competition and Consumer Commission ("**Commission**")

Application is made under subsection 152AT(1) of the *Trade Practices Act 1974* (Cwlth) ("**TPA**") for an individual exemption from all of the standard access obligations set out in section 152AR of the TPA in respect of the Domestic Transmission Capacity Service ("**DTCS**"), a service declared by the Commission pursuant to subsection 152AL(3) of the TPA with effect from 1 April 2004 as set out in the *Commonwealth of Australia Gazette* No GN 14 of 7 April 2004 ("**Exemption Application**").

1 (a) Name of applicant:

Telstra Corporation Limited (ABN 33 051 775 556) ("**Telstra**").

(b) Short description of business carried on by applicant:

Telstra is both a carrier and carriage service provider under the *Telecommunications Act 1997* (Cwlth) and it supplies telecommunications services.

(c) Address in Australia for service of documents on the applicant:

Tony Warren
Executive Director Regulatory Affairs
Public Policy and Communications
Telstra Corporation Limited
Level 2
Engineering House
Unit 11 National Circuit
Barton ACT 2600

Copy to:

Paul McLachlan
Legal Counsel
Public Policy and Communications
Legal Group
Telstra Corporation Limited
Level 11
231 Elizabeth Street
Sydney NSW 2000

2 (a) Description of declared service to which this application relates:

This Exemption Application relates to the DTCS, which is a "declared service" pursuant to subsection 152AL(3) of the TPA.

(b) Description of exemption applied for:

Telstra applies for an exemption from all of the standard access obligations in section 152AR of the TPA in respect of the supply of to the DTCS over the Exempt Regional Routes, with effect from the date of the Commission's determination under paragraph 152AT(3)(a) of the TPA until the earlier of:

- (i) DTCS ceases to be a declared service; and
- (ii) 30 June 2013.

(c) Grounds for grant of exemption:

An order by the Commission granting the exemption sought by Telstra will promote the long-term interests of end-users of carriage services or of services provided by means of carriage services for the reasons set out in Attachment B to this Exemption Application.

A draft exemption order in the form prepared by Telstra is at Attachment C to this Exemption Application.

3 Interpretation

For the purposes of this Exemption Application:

DTCS means the Domestic Transmission Capacity Service as declared by the Commission with effect from 1 April 2004 and set out in the *Commonwealth of Australia Gazette* No. GN 14 of 7 April 2004.

Exempt Regional Route means the DTCS routes as specified in Attachment A to this Exemption Application.

Transmission Point has the meaning given in the Commission's declaration of the DTCS under section 152AL(3) of the Trade Practices Act 1974.

Unless the context indicates otherwise, the singular includes the plural and vice versa.

4 Name and address of persons authorised by the applicant to provide additional information in relation to this application:

Tony Warren
Executive Director Regulatory Affairs
Public Policy and Communications
Telstra Corporation Limited
Level 2
Engineering House
Unit 11 National Circuit
Barton ACT 2600

Paul McLachlan
Legal Counsel
Public Policy and Communications
Telstra Corporation Limited
Level 11
231 Elizabeth Street
Sydney NSW 2000

SIGNED by TONY WARREN in)
the presence of:)

Tracy Thomas)
.....)
Signature of witness)

TRACY THOMAS)
.....)
Name of witness (block letters))



.....
Signature of Tony Warren

Date: 24/08/2007

ATTACHMENT A

EXEMPT REGIONAL ROUTE

Exempt Regional Route means a route over which the DTCS may be supplied between two transmission points comprising of:

- any Transmission Point located at a capital city in column 1; and
- any Transmission Point located at the regional centre in column 2 in the same row as the capital city in column 1.

(1) Capital City	(2) Regional Centre
Adelaide	Port Augusta
Brisbane	Bundaberg
Brisbane	Cairns
Brisbane	Gladstone
Brisbane	Mackay
Brisbane	Maryborough
Brisbane	Rockhampton
Brisbane	Townsville
Melbourne	Wangaratta
Melbourne	Warragul
Sydney	Armidale
Sydney	Bega
Sydney	Campbelltown
Sydney	Coffs Harbour
Sydney	Gosford
Sydney	Goulburn
Sydney	Penrith
Sydney	Tamworth
Sydney	Wagga Wagga
Sydney	Wauchope

ATTACHMENT B
GROUNDS FOR EXEMPTION

ATTACHMENT C
DRAFT EXEMPTION ORDER

The Australian Competition and Consumer Commission (“**Commission**”) under section 152AT(3)(a) of the *Trade Practices Act 1974* (Cwlth) (“**TPA**”) determines that Telstra is exempt from the standard access obligations specified below.

Citation

- 1 This order may be cited as the “**Telstra Domestic Transmission Capacity Service Exemption Order for Exempt Regional Routes**”.

Commencement

- 2 This order comes into effect on the date of the Commission’s determination.

Term

- 3 This order expires on the earlier of the Domestic Transmission Capacity Service (“**DTCS**”) ceasing to be an active declared service and 30 June 2013.

Interpretation

- 4 Unless the contrary intention appears, words or phrases used in this order have the interpretation specified in the TPA, the Telecommunications Act 1997 or the instrument declaring the declared service.

- 5 In this order, unless the contrary intention appears:

active declared service has the meaning set out in section 152AR of the TPA.

Exempt Regional Route means a service for the carriage of communications between two transmission points as specified in Attachment A to this order.

DTCS means the Domestic Transmission Capacity Service as declared by the Commission with effect from 1 April 2004 and set out in the *Commonwealth of Australia Gazette* No. GN 14 of 7 April 2004.

Telstra means Telstra Corporation Limited (ABN 33 051 775 556).

Transmission Point has the meaning given in the Commission’s declaration of the DTCS under section 152AL(3) of the Trade Practices Act 1974.

Unless the context indicates otherwise, the singular includes the plural and vice versa.

Exemption

- 6 Subject to paragraph 7, Telstra is exempt from all of the standard access obligations in section 152AR of the TPA in respect of the supply of the DTCS over the Exempt Regional Routes.

Limitation or conditions to Exempted Service

- 7 For the avoidance of doubt the Telstra Domestic Transmission Capacity Service Exemption Order for Exempt Regional Routes has no effect in respect of the DTCS provided under an agreement which is in force on the date of this order for so long as that agreement remains in force.

Dated _____

ATTACHMENT A

EXEMPT REGIONAL ROUTE

Exempt Regional Route means a route over which the DTCS may be supplied between two transmission points comprising of:

- any Transmission Point located at a capital city in column 1; and
- any Transmission Point located at the regional centre in column 2 in the same row as the capital city in column 1.

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