

TRADE PRACTICES ACT 1974 - SECTION 152AT
APPLICATION FOR EXEMPTION FROM STANDARD ACCESS
OBLIGATIONS
DOMESTIC PSTN ORIGINATING ACCESS SERVICE
5 October 2007

TRADE PRACTICES ACT 1974 - SUBSECTION 152AT
APPLICATION FOR EXEMPTION FROM STANDARD ACCESS
OBLIGATIONS
DOMESTIC PSTN ORIGINATING ACCESS SERVICE

TO: The Australian Competition and Consumer Commission (“**Commission**”)

Application is made under section 152AT(1) of the *Trade Practices Act 1974 (Cth)* (“**TPA**”) for an exemption from all of the standard access obligations set out in section 152AR of the TPA in respect of the Domestic PSTN Originating Access Service (“**PSTN OA**”), a service declared by the Commission under section 152AL(3) of the TPA with effect from 1 August 2006 as set out in the *Commonwealth of Australia Gazette* No GN 31 of 9 August 2006 (“**Exemption Application**”).

1 (a) Name of applicant:

Telstra Corporation Ltd (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 (Cth)* 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
Regulatory Legal Group
Telstra Corporation Limited
Level 11
231 Elizabeth Street
Sydney NSW 2000

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

Telstra’s exemption application relates to PSTN OA, which is a “declared service” for the purposes of section 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 relating to the supply of PSTN OA in the Exemption

Area, 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, with effect from the date of the Commission's determination under section 152AT(3)(a) of the TPA until the earlier of:

- (a) PSTN OA ceasing to be a declared service;
- (b) a finding by a Court of competent jurisdiction that Part XIC of the TPA is invalid as it relates to the Unconditioned Local Loop Service and/or the High Frequency Unconditioned Local Loop Service; and
- (c) 31 December 2012.

(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:

ACMA means Australian Communications and Media Authority.

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 as determined by ACMA).

Exemption Area means the Exchange Service Areas ("ESAs" and each an "ESA") set out in Attachment A to this Exemption Application. The ESAs in the Exemption Area all fall within the central business districts of Sydney, Melbourne, Brisbane, Adelaide and Perth.

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.

PSTN OA means the Domestic PSTN Originating Access Service as declared by the Commission with effect from 1 August 2006 and set out in the *Commonwealth of Australia Gazette* No. GN 31 of 9 August 2006.

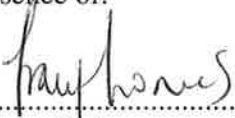
The singular includes the plural and vice versa.

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
Regulatory Legal Group
Telstra Corporation Limited
Level 11
231 Elizabeth Street
Sydney NSW 2000

SIGNED by **TONY WARREN** in
the presence of:


.....
Signature of witness

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



DATED: 5th October, 2007

.....
Signature of TONY WARREN

ATTACHMENT A
EXEMPTION AREA

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

ATTACHMENT B
GROUNDS FOR EXEMPTION

ATTACHMENT C
DRAFT EXEMPTION ORDER

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

Citation

- 1 This order may be cited as the “Telstra Domestic PSTN Originating Access Service Exemption Order for CBD Areas”.

Commencement

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

Term

- 3 This order expires on the earlier of:
- (a) the Domestic PSTN Originating Access Service (“**PSTN OA**”) ceasing to be an active declared service;
 - (b) a finding by a Court of competent jurisdiction that Part XIC of the TPA is invalid as it relates to the Unconditioned Local Loop Service and/or the High Frequency Unconditioned Local Loop Service; and
 - (c) 31 December 2012.

Interpretation

- 4 For the purposes of this order:

ACMA means the Australian Communications and Media Authority.

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

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).

Exemption Area mean the Exchange Service Areas (“**ESAs**” and each an “**ESA**”) set out in Attachment A to this order.

PSTN OA means the Domestic PSTN Originating Access Service as declared by the Commission with effect from 1 August 2006 and set out in the *Commonwealth of Australia Gazette* No. GN 31 of 9 August 2006.

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.

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

The singular includes the plural and vice versa.

Exemption

- 5 Subject to paragraph 6, Telstra is exempt from all of the standard access obligations in section 152AR as they relate to the supply of PSTN OA in the Exemption Area, 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.

Limitation or conditions to Exempted Service

- 6 For the avoidance of doubt, the Telstra Domestic PSTN Originating Access Service Exemption Order for Metropolitan Areas has no effect in respect of PSTN OA 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
EXEMPTION AREA

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