

Commonwealth of Australia

Telecommunications Act 1997

**Telecommunications (Regulated Services)
Determination (No. 1) 2011**

I, STEPHEN MICHAEL CONROY, Minister for Broadband, Communications and the Digital Economy, make the following Determination under subclause 71(4) of Schedule 1 to the *Telecommunications Act 1997*.

Dated 23 June 2011

STEPHEN CONROY

Minister for Broadband, Communications and the Digital Economy

1 Name of Determination

This Determination is the *Telecommunications (Regulated Services) Determination (No. 1) 2011*.

2 Commencement

This Determination commences the day after it is registered on the Federal Register of Legislative Instruments.

3 Definitions

In this Determination:

access seeker has the same meaning as in section 152AG of the *Competition and Consumer Act 2010*.

Act means the *Telecommunications Act 1997*.

active declared service has the same meaning as in section 152AR of the *Competition and Consumer Act 2010*.

boundary of a telecommunications network means the point ascertained in accordance with section 22 of the Act.

communications wire means a copper or aluminium based wire forming part of a public switched telephone network.

DSL point of interconnection means a physical point of connection between Telstra's network and a wholesale customer's network agreed by Telstra and the wholesale customer and which is associated (but not necessarily co-located) with one or more exchanges on Telstra's network and the wholesale customer's network.

exchange building facility means:

- (a) any facility which is physically located in an exchange building operated by or on behalf of Telstra, including:
 - (i) internal floor space; and
 - (ii) a main distribution frame; and
 - (iii) a security system; and
 - (iv) a power system; and
 - (v) an air conditioning system; and
 - (vi) a rack; and
 - (vii) a cable tray; and
 - (viii) an interconnection cable; and
- (b) an external interconnection cable; and
- (c) an external interconnect duct; and
- (d) a pit that is associated with an external interconnect duct.

external interconnect duct means a duct that is used, or for use, in connection with an external interconnection cable.

external interconnection cable means an interconnection cable that runs from a point within an exchange building to a point external to that exchange building.

interconnection cable means a cable connecting one or more twisted metallic pairs between a main distribution frame at an exchange building and an access seeker's equipment installed in, or in close proximity to, that exchange building.

regulated service has the same meaning as in clause 71 of Schedule 1 to the Act.

Note By virtue of paragraph 46(1)(b) of the *Acts Interpretation Act 1901*, the following expressions have the same meaning as in section 7 of the Act:

- **carriage service**
- **facility**
- **Telstra**

4 Regulated service – Wholesale ADSL Layer 2

- (1) For the purposes of subclause 71(4) of Schedule 1 to the Act, Wholesale ADSL Layer 2 is determined as a regulated service.
- (2) For the purposes of subclause (1) above, Wholesale ADSL Layer 2 is a carriage service that:
 - (a) uses asymmetric digital subscriber line access technology to transmit data from the boundary of a telecommunications network at an end-user's premises to an exchange (where the data is transmitted to and from the boundary of a telecommunications network at an end-user's premises by means of a communications wire at a minimum upstream peak speed of 64kbps and a minimum downstream peak speed of 256kbps); and
 - (b) uses layer 2 tunnelling protocol over a transport layer to aggregate data traffic at an exchange at which a DSL point of interconnection is located.

5 Regulated service – Telstra exchange building access

- (1) For the purposes of subclause 71(4) of Schedule 1 to the Act, Telstra Exchange Building Access is determined as a regulated service.
- (2) For the purposes of subclause (1) above, Telstra Exchange Building Access is the use of an exchange building facility, where such use is:
 - (i) in connection with the supply of an active declared service by Telstra; or
 - (ii) for the purpose of enabling interconnection of facilities operated by an access seeker to enable the supply of an active declared service by Telstra.