

Application for certificate of exemption from providing access to a telecommunications facility



Instructions for completion

A carrier applying to the Australian Communications and Media Authority (ACMA) for the issue of a written certificate under the *Telecommunications Act 1997*, Schedule 1 Part 5, sub clause 33(3), 34(3) or 35(3), is to provide the following information (as relevant) in support of its request.

Print clearly. Illegible, unclear or incomplete application forms may delay processing.

Where to send this form

Completed forms should be forwarded to the Manager, EME and Telecommunications Infrastructure Section, Regulation and Compliance Branch, ACMA, PO Box 79, Belconnen ACT 2616.

For enquiries, please contact the EME and Telecommunications Infrastructure Section, telephone 02 6219 5555, fax 02 6219 5288, email infrastructure@acma.gov.au

Request for issue of certificate

Request for issue by the ACMA of a written certificate exempting (NAME OF FIRST CARRIER) from providing access to (NAME OF SECOND CARRIER) to the telecommunications tower/telecommunications tower site/eligible underground facility (DELETE ITEMS NOT APPLICABLE) situated at (DETAILS OF THE LOCATION OF FACILITY/SITE) on the grounds that compliance with the request is not technically feasible.

Date

...../...../.....

A. Applicant's details

Name of first carrier

SURNAME
GIVEN NAMES

Contact person

POSTCODE

Postal address

POSTCODE

Contact details

Telephone ()
Mobile
Fax ()

Name of second carrier

SURNAME
GIVEN NAMES

Contact person

POSTCODE

Postal address

POSTCODE

Contact details

Telephone ()
Mobile
Fax ()

B. Towers – radio considerations

1. What facilities presently exist on the tower and how are they arranged?

Briefly describe, using diagrams, the position and type(s) of radio infrastructure and its utilisation, including any infrastructure owned and operated by third parties. Also include details of the frequencies of existing equipment on the tower. Attach additional information if necessary.

2. What facilities does the second carrier propose to mount on the tower?

Provide detail as in question 1, including details of aperture required and number of faces to be used. Attach additional information if necessary.

3. Is there any claim that the sharing of the tower as proposed by the second carrier would result in radio interference or other radio operability problems to the functionality of existing radio systems on the tower?

Describe in brief the nature of the foreseen difficulties and the basis for the assertion that the proposal is not technically feasible. Reference should be made to standards, codes or recognised formal industry practices which would be violated by compliance with the second carrier's request for access. Attach additional information if necessary.

C. Towers - structural engineering considerations

4. Is there any claim that the second carrier's proposal to install additional radio infrastructure on the tower would impose unacceptable structural stresses or loadings on the tower and/or its support systems?

Provide detail as in question 3. Attach additional information if necessary.

D. Underground facilities

5. What space is available in the underground facility to which access is being sought?

Provide details of any reconnaissance work done to establish space availability. Briefly describe, using diagrams if necessary, the size of the relevant ducts and the type and size of both existing infrastructure and that proposed by the second carrier. Where space availability is not contiguous, indicate changes in capacity. In the case of existing infrastructure, provide details distinguishing operative and inoperative cables. Attach additional information if necessary.

6. Is there any claim that the installation of the second carrier's proposed cable will result in damage to the existing infrastructure?

Describe the nature and level of any foreseen risk and show how such risk is both unacceptably high and not reasonably avoided. Include consideration of the network's tolerance to possible faults related to installation work. Such tolerance could be related to alternative routing or other relevant redundancy in the network (which may allow for higher risk levels). Attach additional information if necessary.

7. Is there any claim that the sharing of the underground facility will result in a compromise of existing cable functions, e.g. a high likelihood of inter cable or other related degradation, interference or hazard?

Describe the nature and level of the foreseen risk and explain how the probability of occurrence was determined. Attach additional information if necessary.

E. Health and safety considerations in relation to staff

8. Is there any claim that the second carrier's proposed facilities would give rise to a definable risk to staff working on the site, e.g. unacceptable EMR levels, physical injury, temperature or electrical hazards?

Give details of the nature and level of risk(s) in the context of recognised standards. Show how the assessed risk levels were arrived at, including a statement regarding the degree to which both existing and proposed equipment at the site contributes to the unacceptable risk level. Attach additional information if necessary.

F. Maintainability

9. Is there a claim that either maintainability or equipment access will be compromised?

Provide details of the nature of the compromise and the potential degradation. Attach additional information if necessary.

G. Statement of options considered for overcoming the difficulties identified above

10. The Telecommunications Act requires that the ACMA give consideration to practical ways of overcoming any of the difficulties identified above. The Australian Competition and Consumer Commission (ACCC) Facilities Access Code provides that the second carrier may require the carriers meet in an attempt to address the first carrier's concerns prior to applying to the ACMA for a certificate.

Provide details of any:

- a. options considered by the first carrier in this context
- b. discussions between the first and second carriers, options considered and the outcome of these discussions.

Attach additional information if necessary.

H. Any other matters relating to technical feasibility

11. The ACMA is required to have regard to any other matters which it considers relevant to the question of the 'technical feasibility' of the request for access by the second carrier. This may include considerations such as a limited power supply to the site. It is emphasised that it does not extend to matters of planned use of the tower/site/facility by the first carrier or another party. Such matters are of a commercial nature and/or involve competition issues and are dealt with in the ACCC Code. Provide details of any issues of technical feasibility not already covered in your responses to the above items. Attach additional information if necessary.

I. Response from second carrier

In determining whether to issue a certificate under Schedule 1 Part 5, clauses 33, 34 or 35 of the *Telecommunications Act 1997*, the ACMA must have regard to certain specified matters and such other matters as it considers relevant. It is the ACMA's position that a response from the second carrier will always be relevant to its considerations in this regard. Accordingly, the first carrier should provide to the second carrier a copy of all information submitted with its request for a certificate to the ACMA. This information should be sent to the second carrier, by either facsimile or same day courier, by no later than the date on which the request is submitted to the ACMA. An accompanying covering letter to the second carrier should advise that the second carrier's response should be sent directly to the ACMA and a copy forwarded to the first carrier.

Confirm that the necessary action has been taken, providing details of the second carrier contact and the date and means by which a copy of the request information was provided to that contact person.
