

Possible third digital-only commercial TV service for Remote and Regional WA

ACMA recently began a process that may lead to the establishment of a third commercial television service for Remote and Regional WA, which would provide people living in those areas with the same number of free-to-air television services available in the metropolitan areas of Australia.

The existing commercial television licensees in Remote and Regional Western Australia have until 21 November 2007 to indicate to ACMA that they intend to apply for a third, digital only, free-to-air commercial television licence for the licence area.

ACMA determined 23 August 2007 as the date from which WIN Television Pty Ltd and Prime Television Pty Ltd will have 90 days to give written notice, either jointly or separately, to ACMA stating their intention to apply for the licence.

The existing commercial television licensees may apply for the third licence as a joint venture company or separately. After submitting a written notice within 90 days of the designated time, the joint-venture company or single applicants must apply for the licence within 12 months

of the designated time. If the licensees decide to apply separately for the licence, ACMA will allocate the licence using a price-based allocation process. A successful applicant must commence a service within 12 months of being allocated the licence, or such other period determined by ACMA.

Section 38B of the *Broadcasting Services Act 1992* outlines the process for allocating a second commercial television licence to licensees in markets where there are two commercial television licences in force, as long as neither of the existing

licences was allocated under section 38A of the Act. The existing licensees may either apply for a licence as a joint venture company or apply separately.

The designated time is a stage in the allocation process for a commercial television licence to be allocated under section 38B of the Act. The designated time for a licence area that is, or overlaps with, a remote licence area is a time determined by ACMA. Three commercial television licences have been allocated under section 38B, to serve Darwin, Mildura/Sunraysia and Tasmania.

Orion Satellite Systems granted local number portability exemption

ACMA has granted Orion Satellite Systems Pty Ltd an exemption from the requirement of providing local number portability.

While portability improves opportunities for competition, there are some circumstances where it may not be practicable for a new carrier or carriage service provider to provide portability. Orion's local number service is one such case because its interconnection arrangements cannot currently accommodate the porting of single numbers.

The exemption has been granted until 23 August 2008. To ensure that the impact on customers is minimised and that long-term support for portability is provided, the exemption was granted subject to the following conditions:

- Orion must make it clear to existing and new customers that local number portability is not available until the conclusion of this exemption and
- Orion must provide progress reports to ACMA after six and nine months of the exemption period about the introduction of full local number portability.

Number portability refers to a customer's right to keep the same number when changing carriage service provider or carrier network providing a service, or both. Number portability has been implemented on local, freephone, local rate and mobile numbers. Local number portability was introduced in May 1998.

The *Telecommunications Numbering Plan 1997* allows ACMA to grant exemptions for a carriage service provider or class of carriage service providers

that may apply for a specified period, specified purposes, specified customers, or be subject to specified conditions. If ACMA is satisfied that it is not practicable for an applicant to meet its porting obligations, then it must approve the exemption application. ACMA may also approve the exemption if it is satisfied that it would be in the long-term interests of end-users.

Orion Satellite Systems Pty Ltd applied for an exemption for two years from the requirements for porting of local numbers to and from the Orion network. Orion claimed that it does not have the technical ability to provide local number portability and that due to its interconnection arrangements with its service provider, porting of a single local number within a number block of 100 was not currently feasible. Orion is investigating alternative interconnect and technical arrangements which also do not impose unnecessary financial imposts on the organisation.

Based on the available information, ACMA is satisfied that it would not be practicable for Orion to provide local number portability and failing to grant the exemption would impose an undue technical and financial impost on the service provider.

The statement of decision is on ACMA's website at www.acma.gov.au (For licensees & industry: Licensing & regulation > Telecommunications: Telecommunications regulation > Number portability > Exemptions).