



Formal Warning under subsection 70(1) of the *Telecommunications Act 1997*

TO: CommSol Holdings Pty Ltd ACN 618 571 529

OF: 108 Dalley Crescent, Latham, ACT, 2615.

The Australian Communications and Media Authority (the **ACMA**) is satisfied that CommSol Holdings Pty Ltd ACN 618 571 529 (**CommSol**) has contravened subsections 360W(1) and 360X(1) of the *Telecommunications Act 1997 (the Act)* by failing to publish terms and conditions on its website relating to the connection of premises and supply of wholesale services to carriage service providers (**CSPs**) as described in the ACMA's investigation report sent to CommSol on 12 October 2021 and

HEREBY issues a formal warning to CommSol under subsection 70(1) of the Act for its failure to comply with subsections 360W(1) and 360X(1) of the Act.

Details of the contravention

Obligations

1. As the holder of a carrier licence (carrier 453 on the ACMA's register of licensed carriers), CommSol is a "carrier" as defined in section 7 of the Act.
2. CommSol is the specified carrier declared a Statutory Infrastructure Provider (**SIP**) for certain designated service areas by the *Telecommunications (Designated Service Area and Statutory Infrastructure Provider) Declaration (No.1) 2020* (which was made under section 360L of the Act).
3. As a SIP, CommSol is required to comply with the obligations set out in subsections 360X(1) and 360W(1) in Part 19 of the Act.
4. As a carrier, CommSol is required to comply with the Act as a condition of its carrier licence, as set out in clause 1 of Schedule 1 to the Act and subsection 68(1) of the Act.

Investigation

5. The ACMA investigated CommSol for potential non-compliance with subsections 360W(1) and 360X(1) of the Act. The investigation assessed whether CommSol had published relevant terms and conditions on its website as at 4 August 2021.
6. After completing its investigation, the ACMA is satisfied that, as at 4 August 2021, CommSol had contravened subsections 360W(1) and 360X(1) of the Act by failing to publish terms and conditions on its website relating to the connection of premises and supply of wholesale services to CSPs.
7. As a consequence of failing to comply with the Act, the ACMA also finds that, as at 4 August 2021, CommSol had failed to comply with the carrier licence condition set out in clause 1 of Schedule 1 to the Act, in contravention of subsection 68(1) of the Act.

Dated this 12th day of October 2021

Signature of Member

Christian Jose

Name (Please Print)

Signature of Member

James Cameron

Name (Please Print)