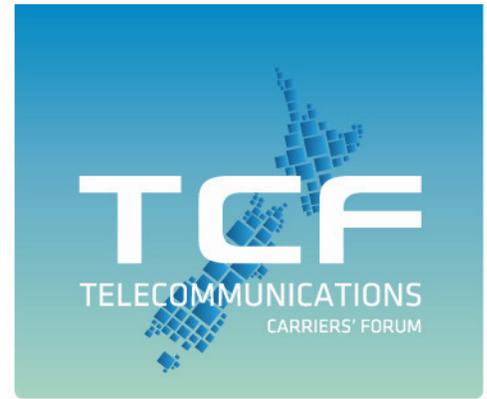


26 August 2011

Dr Ross Patterson
Commerce Commission
PO Box 2351
Wellington



Via Email

Dear Ross

UCLL, Sub Loop and UBA STD Amendments Review

Introduction

Representatives of the industry have met a number of times over the last two months to review and discuss the draft amendments to the UCLL, Sub Loop, UBA and associated co-location and backhaul STD documents (existing STD documents). The draft amendments were presented to the industry by Telecom in response to a request from the Commerce Commission (Commission) to submit an agreed set of consequential changes for the Commission to consider. The purpose of this letter is to advise the Commission of the process followed and outcome of the industry's review of the draft amendments to the existing STD documents as proposed by Telecom.

Appended to this letter is an overview table, also prepared by Telecom, listing individual changes to each existing STD document. Access seekers have not reviewed this table in detail but accept in good faith that this is a correct representation of the amendments made to the STD documents which they have reviewed and approved. PDF and marked up MS Word versions of the amended STD documents are being delivered to your offices separately.

Background

At an industry workshop held on 1 July 2011 the Commission described the reviews of existing STDs that would be required as a result of the Telecommunications (TSO, Broadband, and Other Matters) Amendment Act 2011 (Amendment Act). It proposed that the Telecommunications Carriers' Forum (TCF) coordinate the industry review of the existing STD documents and submission of an agreed set of documents. At this workshop the industry agreed with the Commission's proposal which is consistent with previous STD review processes.

The objective for the TCF was to facilitate an industry review of Telecom's draft amendments to the existing STD documents and assist in identifying and resolving any issues that may arise in a consultative way outside and in advance of the formal Commission process. The TCF process is designed to help streamline the Commission's processes and minimise the associated burden on the industry at a peak time.

To complete this objective the TCF established the Telecommunications Amendment Bill (TAB) STD Working Party (Working Party) which met weekly to review Telecom's redrafting of the existing STD documents. The members of the Working Party are: 2degrees Mobile, Airtel, CallPlus, Chorus, Commerce Commission, Enable Networks, Kordia, Telecom, TelstraClear, Vodafone, Woosh, and Compass Communications.

STD Amendments Review

Section 72(1) of the Amendment Act provides that the Commission may review any STD referred to in section 71 under Section 30R of the Telecommunications Act for the purpose of making any changes necessary to implement the amendments before the amendments came into force. Section 72(2) read with section 73 specifies which STDs the Commission must review or must make reasonable endeavours to review (being the existing STDs).

The process adopted by the group was as follows:

1. Telecom conducted a preliminary review of each document and proposed a series of draft amendments together with drafting notes (usually also with an explanatory note);
2. The Working Party considered these draft amendments and provided feedback to Telecom;
3. Telecom made adjustments to the documents as appropriate (and responded on a point-by-point basis) and provided revised documents for consideration;
4. The Working Party considered these revised amendments and provided further feedback to Telecom;
5. Telecom made adjustments to the documents as appropriate (and responded on a point-by-point basis) and provided draft final documents for consideration;
6. The Working Party reviewed and approved, subject to a few minor amendments, the draft final STD documents for submission to the Commission

After a series of meetings the TCF is now able to submit a set of documents which, with the exception of the points below have been agreed to by the Working Party.

The only points on which the Working Party was unable to reach agreement are:

- **UBA Price List: Clause 4A (and consequent changes)**
There was not agreement to Telecom's proposed amendments to clause 4A relating to UBA Connection Charges (and which flow through to Table 1 in the UBA Price List). However, the Working Party agreed that the proposed changes to clause 4A be included on the basis that it is made clear through a drafting note that the changes had not been agreed by the Working Party. Subsequently, parties may write separately to the Commission on this issue.
- **New Clause: Access to and protection of Chorus property on private land**
Although the Working Party accepted the drivers for Telecom's proposed "lead ins" clause, they did not agree with its inclusion because they have not been able to fully consider the business impacts of this clause (or fully consider the alternatives available) within the current review timeframes. However, the Working Party agreed that the proposed new clause be included on the basis that it is made clear through a drafting note that the changes have, as yet, not been agreed to by the Working Party.

At the Commission's request Telecom will provide supporting rationale for the proposed clause including the alternatives it has considered. This is expected to be an elaboration on the explanatory note previously provided to the Working Party.

The following parties have approved the submission of this letter and the supporting STD Amendments Review Table to the Commission: Baycity, Callplus, Kordia, Telecom, TelstraClear and Vodafone.

The TCF invites the Commission to note the consultative process co-ordinated by the TCF and the Working Party's endorsement of the proposed amendments to the existing STD documents.

Yours sincerely



David Stone
TCF CEO
Telecommunications Carriers' Forum