



COMMERCE COMMISSION

Please refer to:

428817-1

2 December 2005

The Dominion Post  
P.O. Box 3740  
Wellington

For: Adrian Bathgate

Dear Mr Bathgate

**Request under the Official Information Act 1982 (OIA) – Broadband Uptake  
Monitoring: correspondence from Telecom between June 2004 and November 2005**

1. We refer to your mail dated 4 November 2005 in which you requested the following information under the OIA:
  - “...all paper, documents, advice and correspondence prepared by Telecom between June 2004 and November 2005 for the Commerce Commission on Telecom’s commitment to reach 250,000 residential broadband customers by the end of 2005, of which one third will be wholesale customers.”
2. We have now collated and reviewed the information requested which is enclosed.

**Information withheld**

3. Some of the information you have requested has been withheld pursuant to section 9(2)(b)(i) on the basis that withholding is necessary to protect information where the making available of the information would disclose a trade secret or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
4. The Commission is satisfied, in terms of section 9(1) of the OIA that, in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable, in the public interest, to make the information available.

**Charge for OIA request**

5. Section 15 of the OIA entitles the Commission to charge for the supply of official information. The Commission has decided not to charge for your request in this instance.

**Review of decision**

6. Section 28 of the OIA provides that you have the right to ask an Ombudsman to investigate and review the Commission's decision not to provide all of the material requested or to review the charge imposed by the Commission. According to section 28(3), any complaint seeking investigation and review must be made to the Ombudsman in writing.

Yours sincerely



Osmond Borthwick  
Manager  
Network Access