

28 May 2003

CallPlus response to the Commerce Commission's paper:

'Telecommunications Act 2001: Section 64 Reviews into Unbundling the Local Loop Network and the Fixed Public Data Network'

CallPlus notes the above paper from the Commerce Commission.

CallPlus lacks the resources to provide answers to the questions raised by the Commission or to adequately respond to the issues it raises.

We do however note that gaining access to the incumbent's local loop and Fixed Public Data Network on effective commercial terms is in our view a patently obvious requirement, and long overdue.

We provide the following specific comments in response to questions raised by the Commission:

2.1 CallPlus agrees with the Commission that:

- interpretations of the 'local loop network' and the 'fixed PDN' as set out in the Act will be governed *in light of the purpose* of the Telecommunications Act 2001
- the benefactors of regulation in relation to end-users (ie ultimate consumers) of products and services, must include *all* users – whether 'residential', 'business' or any other marketing category. While some regulation decisions may have more impact on one market than another, markets are not cleanly defined and often overlap each other. Decisions that relate specifically to a specific market may limit the ability of an entrant to deliver services needed by different market segment definitions.
- Similarly, end-users should not be referred to as 'telephone users' or 'data users' or any other limiting name. Continuing change in technology is bringing convergence to all data/tele-communication services. Therefore end-users must be considered simply as consumers of any electronic forms of communication; 'end-user' is a term sufficient within itself and needs no qualification.

End