



## COMMERCE COMMISSION

Please refer to:

13.6/J10310

14 November 2008

To Interested Parties to the Schedule 3 investigation regarding mobile termination access services

### **Mobile termination access services – Commission decision to investigate and request for information for investigation**

The Commerce Commission announced on Thursday 6 November 2008 it was commencing an investigation under Schedule 3 of the Telecommunications Act 2001 (the **Act**) into whether or not the mobile termination access services (**MTAS**) (incorporating mobile-to-mobile (**MTM**) voice termination, fixed-to-mobile (**FTM**) voice termination and short-message-service (**SMS**) termination) should become regulated services under Schedule 1 of the Act.

A document setting out the reasons for the Commission's decision and other documents relating to the investigation are available on the Commission's website at

<http://www.comcom.govt.nz/IndustryRegulation/Telecommunications/Investigations/MobiletoMobileTermination/mobiletomobiletermination.aspx>

While some information was provided in submissions on the Issues Paper that preceded the Commission's decision to investigate, the Commission is now seeking more detailed information to help inform its decision on whether or not the MTAS should become regulated services under Schedule 1 of the Act.

Against this background, the Commission requests that you provide the information necessary to complete the attached spreadsheet.

The Commission has also specifically identified which information it seeks from fixed-line network operators and integrated operators, so that any interested party that provides fixed-line services only can clearly identify the information that they are being asked to provide, and does not need to consider the questions that are not relevant for the services that they do not provide. Separate spreadsheets are attached for fixed-line network operators and integrated operators.

The Commission considers that requesting this information is important in determining whether or not the MTAS should become regulated services under Schedule 1 of the Act, and would appreciate a response by 5pm on Friday 28 November 2008.

If you consider that you cannot provide the requested information within the required timeframe, or you have any clarification questions on the questionnaire, please contact Shane Kinley at [shane.kinley@comcom.govt.nz](mailto:shane.kinley@comcom.govt.nz) by **5pm on Friday 21 November 2008**.

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Please send completed spreadsheets and any supporting material to Shane Kinley at [shane.kinley@comcom.govt.nz](mailto:shane.kinley@comcom.govt.nz) or delivered to the Commission's office at 44 The Terrace, Wellington.

The Commission has issued a confidentiality order pursuant to section 100 of the Commerce Act 1986 (as applied by section 15(i) of the Act) in respect of the Schedule 3 investigation into MTAS.<sup>1</sup> This confidentiality order provides a process which allows interested parties making submissions to indicate any information that they consider should be designated as confidential.

Any persons who wish to receive confidential information must sign a deed of undertaking as to confidentiality in an appropriate form and be approved by the Commission in accordance with the confidentiality order. In the event that the Commission or another party challenges the confidentiality status of the information, the Commission will determine whether the challenged information should be subject to the order.

Where it is necessary to include confidential information in written submissions, the material should be clearly marked as confidential, and preferably included in an appendix to the submission or enclosed in square brackets [ ]. In addition to the confidential copy, submitters should provide the Commission with a public copy of such submissions, which is clearly marked as public, with the confidential material deleted or amended appropriately so it is suitable for release in both electronic and hard copy form.

It would also assist the Commission in processing any requests under the Official Information Act 1982 if the reasons for your request for confidentiality are clearly set out.

Should you have any queries in relation to this matter, please contact Shane Kinley on (04) 924 3686 or by email at [shane.kinley@comcom.govt.nz](mailto:shane.kinley@comcom.govt.nz).

Yours sincerely



Tom Forster  
Manager – Telecommunications Branch

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<sup>1</sup> A copy of the Confidentiality Order is available at <http://www.comcom.govt.nz/IndustryRegulation/Telecommunications/Investigations/MobiletoMobileTermination/mobiletomobiletermination.aspx>.