

28 August 2009

Shane Kinley
Commerce Commission
Wellington

Dear Shane

MTAS: reclassification of information (average on/off-net termination prices)

I refer to Dr Patterson's letter of 26 August.

CallPlus and Kordia firmly support release of the data for the reasons given by the Commission.

Based on material I have seen as nominated counsel, such as the answers to the MNO questionnaires, and the Wigley and Concept submissions on that material, the benefit of public disclosure substantially outweighs the interests of non-disclosure.

Even if information can be accurately reverse engineered (the Commission notes it cannot), the value of Telecom or Vodafone doing so appears to be nil or minimal (beyond market information they already hold). In any event, the value of that information is far lower than the value of disclosure.

In the case of Vodafone, relevant is that it considered it could release or imply quite extensive, and selective, information about what it dubbed "the secret deal" yet it objects to release of this less sensitive information. As it happens the contents of that ICA, and the averaged termination prices are related, in terms of what the Commission is investigating. Vodafone is in no position to object.

Yours sincerely



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