
From: Shane Kinley

Sent: Tuesday, 15 September 2009 12:14 p.m.

To: 'York, Richard, VF-NZ'; 'Corin Maberly'; 'Bill McCabe'; 'Paul Mathewson'; 'John Wesley-Smith'; 'Airihi Mahuika'

Cc: 'Andy Matthews'; Charlie Boyd; 'Chignell, Tom, VF-NZ'; Chris ABBOTT; Corin Maberly; Darin Hutcheson; 'De Villiers, Lucy, VF-NZ'; Ernie Newman; Gerome Garthwaite; Graham Walmsley; Jay Lee; 'Jonathan HOPE'; Jones, Juliet, VF-NZ; Ken Ginn; Michael Wigley; Paul Clarkin; Rob Spray; Rod Inglis; 'Roger Kerr'; 'Stephen Summers'; Susie Stone; Tex Edwards; Tim Matthews; Vanessa Oakley

Subject: RE: Follow-up actions from the MTAS Conference

Good afternoon Richard, Corin, Bill, Paul, John and Airihi,

This message is being sent to you as the key contacts and nominated counsel for the MTAS Investigation. This message has also been copied to all interested parties, given the general interest in these clarification matters and to provide transparency over what follow-up information has been sought.

At the MTAS Conference there were a number of areas where further information was offered, and the Commission noted that it would follow up on those offers (as indicated in my email below). The purpose of this email is to set out the Commission's understanding of the information that was offered, or is being sought, and to propose a process for the provision of that information.

If any party considers that there is a matter where additional information was offered or requested at the Conference that has not been addressed in this request, please advise me directly by Friday 18 September 2009, with reference to the relevant portion of the transcript from the Conference, available on the Commission's [website](#) (please note that any references to the transcript from the Confidential session of the Conference should be provided on an Additional Protection basis, in accordance with the Commission's notification of the conditions that apply to the transcript of that session of the Conference).

The matters where additional information was offered or is being sought are:

1. **Vodafone** – provision of model relating to foreclosure – offered at pages 77 and 80 of the transcript of Day One of the Conference;
2. **Vodafone** – data relating to churn of customers with “Best Mate or TXT2000 or types of on-net plans” – offered at page 80 of the transcript of Day One of the Conference – note, the Commission will need to consider this information, whether it is new information that should be accepted at this stage of the MTAS Investigation and the appropriate classification for this information. Vodafone indicated that this information would be provided on a Restricted Information (**RI**) basis, and the Commission provisionally accepts this classification on the basis of consistency with the information provided in response to the Commission's data questionnaire;
3. **Vodafone** – reference was made to information about calling circles at page 91 of the transcript of Day One of the Conference regarding data on the number of people with “reciprocal Best Mates” and whether one subscriber with a Best Mate was connected to another subscriber with a different Best Mate. Could Vodafone please provide confirmed figures on these points; and
4. **Vodafone, 2degrees and Telecom** – during the Confidential session of the Conference on Day Two there was a discussion regarding the provision of information about traffic flows between mobile networks following the entry of 2degrees. The Commission requests that **Vodafone, 2degrees and Telecom** collectively agree on a process to provide this information to the Commission. The relevant information should be cross-checked between networks ie Vodafone and 2degrees, 2degrees and Telecom, and Vodafone and Telecom should seek to agree to the figures for the traffic flows between their respective networks. In keeping with the Commission's earlier classification of information provided in response to the Commission's data questionnaire, the Commission's preliminary view is that this information should be provided on a RI basis.

5. **Vodafone** – data on historical (im)balances of traffic was offered during the Confidential session of the Conference on Day Two. Commission staff also requested that international information be provided on this matter, in relation to the kind of traffic flows that would be expected or have been observed when a small new entrant comes into a market. Note – the Commission will need to consider this information, whether it is new information that should be accepted at this stage of the MTAS Investigation and the appropriate classification for this information.

The Commission requests that this information be provided **by Friday 25 October 5pm.**

Please note that the Commission is separately discussing with Vodafone and Telecom the accuracy and consistency information provided in relation to the average retail on-net and off-net prices cited in table 49 and Appendix 1 of the draft Report, and the implied MTRs derived from these prices referred to in paragraph 763 of the draft Report. The Commission has reserved its position in relation to the classification of that information until after issues of the accuracy and consistency of those numbers has been resolved.

Please contact me directly if you wish to discuss any of these matters.

Regards,

[Shane Kinley](#)

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From: Shane Kinley

Sent: Friday, 4 September 2009 11:51 a.m.

To: 'Airihi Mahuika'; 'Andy Matthews'; Bill McCabe; Charlie Boyd; 'Chignell, Tom, VF-NZ'; Chris ABBOTT; Corin Maberly; Darin Hutcheson; 'De Villiers, Lucy, VF-NZ'; Ernie Newman; Gerome Garthwaite; Graham Walmsley; Jay Lee; 'John Wesley-Smith'; 'Jonathan HOPE'; Jones, Juliet, VF-NZ; Ken Ginn; Michael Wigley; Paul Clarkin; 'Paul Mathewson'; Rob Spray; Rod Inglis; 'Roger Kerr'; 'Stephen Summers'; Susie Stone; Tex Edwards; Tim Matthews; Vanessa Oakley; York, Richard, VF-NZ

Cc: Tom Forster

Subject: Follow-up actions from the MTAS Conference

Good morning all,

Thank you all for your participation at the MTAS Conference in Wellington Wednesday and Thursday this week.

Commission staff will be identifying follow-up actions from the Conference over the next week or so and expect to write to parties in relation to follow-up actions in the week of 14 September 2009. Hopefully the Conference transcript will also be available around that time.

In relation to the opportunity for access providers to submit revised undertakings, the letter setting out the process for that is expected to be issued late next week.

In the meantime, could I reiterate Ross' request that copies of all material tabled at the Conference be provided to me in an electronic form, suitable for release on the Commission's website, where that has not already been done.

As I am on leave from midday for the next week, that material will be posted to the Commission's website in the week commencing 14 September 2009.

In my absence, for any matters relating to the MTAS Investigation, please contact Tom Forster (cc'd to this email).

Regards, and have a good week.

[Shane Kinley](#)

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