



28 August 2009

Shane Kinley
Commerce Commission
By email shane.kinley@comcom.govt.nz

Dear Shane

RECLASSIFICATION OF INFORMATION

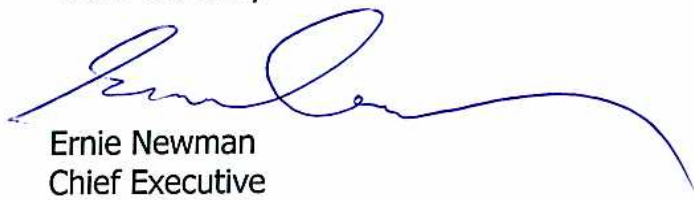
We write in response to Commissioner Patterson's letter of 26 August about the confidentiality status of information relating to market average on-net and off-net termination prices.

TUANZ agrees strongly with the Commission's view that the relevant information is central to this Investigation. Over the time the Commission has been working on issues relating to MTAS, the focus has shifted away from the direct impact of high MTRs on the costs to end users, towards their distortive effects in creating closed communities of users around each incumbent network to the detriment of new entrants, thus entrenching duopoly pricing.

It is difficult to see how the Commission can do its work on this investigation with the degree of transparency the public is entitled to expect, with key market information locked inside a confidentiality order.

While we are unable to form a judgment about the likely damage to incumbents of any disclosure or reverse engineering of the data, we would urge the Commission to put the public interest first and release as much information as is needed to ensure open, quality debate. The proposal for re-classification set out in the Commissioner's letter appears to us to be a fair and reasonable way forward.

Yours sincerely



Ernie Newman
Chief Executive