
Undertaking in favour of the Commerce Commission under Schedule 3A of the Telecommunications Act 2001

Telecom New Zealand Limited (Telecom)
Commerce Commission (Commission)

Date: 2 October 2009

Date:

PARTIES

Telecom New Zealand Limited (*Telecom*)

in favour of:

Commerce Commission being a Crown entity established by section 8 of the Commerce Act 1986 (the *Commission*)

BACKGROUND

- A The Commission has decided to commence an investigation under Schedule 3 of the Telecommunications Act 2001 (the *Act*) into whether certain mobile termination access services should become designated or specified services under Schedule 1 of the Act.
- B Telecom gives this undertaking pursuant to Schedule 3A of the Act.

BY THIS UNDERTAKING Telecom declares as follows:

1 Interpretation

Unless the context indicates otherwise, the following terms have the following meaning in this undertaking:

- 1.1 *Access Seeker* means the service provider who provides a properly completed and executed Deed of Acceptance in the form set out in Appendix B of Annexure 1;
- 1.2 *Annexure 1* means Annexure 1 (comprising the Mobile Termination Terms) of this undertaking;
- 1.3 *undertaking* means this undertaking given pursuant to Schedule 3A of the Act, and includes Annexure 1, which shall be read as and form part of this undertaking.

2 Period this undertaking is in effect

- 2.1 This undertaking takes legal effect immediately after it is registered by the Commission under clause 6 of Schedule 3A of the Act and continues until its expiry in accordance with the Act.
- 2.2 For the avoidance of doubt, until acceptance of this undertaking by the Commission in accordance with clause 3 of Schedule 3A of the Act, this undertaking is an offer only and is capable of withdrawal by Telecom.
- 2.3 Telecom reserves the right to withdraw this undertaking, provided that it will not withdraw this undertaking after the date which occurs seven days after the later of:

- (a) the final date of any workshop (*Workshop*) which may be convened by the Commission as indicated in the Commission's letter to interested parties dated 9 September 2009;
- (b) the final date of any alternative discussion process (*alternative process*) established by the Commission in place of a Workshop;
- (c) the date on which the Commission notifies Telecom of its decision (if any) that no Workshop (or alternative process) will occur.

3 Terms and conditions

Telecom undertakes to the Commission that, during the period that this undertaking has legal effect, it will provide to all Access Seekers the Services (as set out in Schedule 3 of Annexure 1) at the prices and on the terms and conditions and within the time periods specified in Annexure 1.

4 Notices

Any communication to Telecom in respect of this undertaking should be made in writing to:

Attention: Group General Counsel

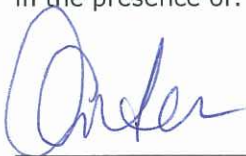
Address: Telecom New Zealand Limited
Level 15, Telecom House
8 Hereford Street
Auckland

Facsimile: 09 358 0798

Signed by **Tristan Murray Gilbertson** as authorised signatory
for **Telecom New Zealand Limited**:



in the presence of:



Name: Carol Hunter

Occupation: E.A. to GGC

Address: 8 Hereford Street,
Auckland