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

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Telecom New Zealand Limited (Telecom)

Commerce Commission (Commission)

Date: 5 September 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**

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.

**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**:

*Tristan*

In the presence of:

*Carol*

Name: *Carol Hunter*

Occupation: *EA*

Address: *8 Hereford Street,  
Auckland*