



COMMERCE COMMISSION

Please refer to:

10911
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14 May 2008

Chris Dyhrberg
General Manger Product Management
Chorus
P O Box 632
Wellington 6140

Dear Chris

Proposal to review paragraph 446 of the Unbundled Copper Local Loop (UCLL) Standard Terms Determination - the VDSL2 Interference Management Plan (IMP)

In an email dated 7 March 2008, you asked whether the Commission would be willing to consider reviewing the 30 June 2008 deadline for inclusion of the VDSL2 band plan 997 in the New Zealand IMP.

You explained that the reason for this request was the delay in the Australian process for developing the VDSL2 band plan 998, which Telecom intended to use as the basis for the VDSL2 band plan 997 in the New Zealand IMP.

The Commission is aware of the strong views expressed by Vodafone, Orcon and CallPlus regarding delay of the VDSL2 band plan 997, and their imminent plans for deployment of VDSL2-based services. Not surprisingly, these views reflect comments these Access Seekers made in their submissions on the draft UCLL STD and at the UCLL Conference.

Further delay in inclusion of the VDSL2 band plan 997 in the IMP is likely to undermine any 'first-mover' advantage from early provision of VDSL2-based services, and thereby impact on competition in the provision of broadband services.

Based on this information, I consider that a delay is likely to have unacceptable impact on the long-term benefits of telecommunications services to end-users and therefore decline the request to revisit the 30 June 2008 deadline.

Yours sincerely

Dr Ross Patterson
Telecommunications Commissioner