



COMMERCE COMMISSION

**DRAFT STANDARD TERMS DETERMINATION FOR  
CO-LOCATION ON CELLULAR MOBILE  
TRANSMISSION SITES**

**MOBILE CO-LOCATION IMPLEMENTATION PLAN  
PUBLIC VERSION**

**25 July 2008**

## TABLE OF CONTENTS

1	<b>Introduction</b> .....	2
2	<b>Overview of the Mobile Co-location Implementation Plan</b> .....	3
3	<b>Prerequisites</b> .....	3
	Prerequisites for Soft Launch and delivery of the Mobile Co-location Service .....	3
4	<b>Soft Launch</b> .....	3
5	<b>Timeline for delivery of the Mobile Co-location Service</b> .....	4
6	<b>Future Access Providers</b> .....	4
7	<b>Key performance indicators (KPIs) and service levels</b> .....	5
	Key performance indicators .....	5
	Remedial actions and outcomes where the Access Provider does not meet its KPIs.....	5
	Mechanism for the Access Provider to report to the Commission and Access Seekers .....	5

# MOBILE CO-LOCATION IMPLEMENTATION PLAN

## 1 Introduction

- 1.1 This Mobile Co-location Implementation Plan forms part of the Mobile Co-location Terms. It is designed to meet the purposes set out in the Act and in particular, section 18 of the Act.
- 1.2 The Parties must carry out their obligations under this Mobile Co-location Implementation Plan in good faith and in furtherance of those purposes.
- 1.3 The standard access principles under clause 5 of schedule 1 to the Act apply to this Mobile Co-location Implementation Plan and all of the Access Provider's obligations under this Mobile Co-location Implementation Plan, subject to the limits on the application of those principles under the Act applicable to the Mobile Co-location Service.
- 1.4 For the avoidance of doubt, nothing in this Mobile Co-location Implementation Plan excludes or limits the Commission, the Access Seeker or the Access Provider exercising any rights available to it under the Act.
- 1.5 This Mobile Co-location Implementation Plan has priority over the Mobile Co-location Operations Manual to the extent that there is any inconsistency between the two.
- 1.6 In this document:

<b><u>Current Access Provider</u></b>	<u>has the meaning given in clause 6.1.</u>
<b><u>Day Zero</u></b>	<u>means:</u> <u>(a) in relation to Current Access Providers, the Determination Date; and</u> <u>(b) in relation to Future Access Providers, the date at which the Access Provider is entered in the register of eligible Access Providers on the Commission's website.</u>
<b><u>Determination Date</u></b>	<u>means the date on which the Mobile Co-location Standard Terms Determination comes into force.</u>
<b><u>Future Access Provider</u></b>	<u>has the meaning given in clause 6.2.</u>
<b><u>Initial Implementation Phase</u></b>	<u>means the period commencing on the Determination Date and ending 15 Working Days after Day Zero.</u>
<b><u>Operational Support Systems</u></b>	<u>means the Fault Management System and Provisioning System set out in the Mobile Co-location Operations Manual.</u>
<b><u>Soft Launch</u></b>	<u>means the period commencing at least 15 Working Days after the Determination Date when an Access Seeker makes an application for a Site Data Pack, and ending at the point in time set out in clause 4.4.</u>
<b><u>Working Day</u></b>	<u>has the meaning given in the Telecommunications Act 2001.</u>

1.7 Unless defined otherwise, capitalised terms in this Mobile Co-location Implementation Plan have the meaning given in the Mobile Co-location General Terms, Mobile Co-location Service Level Terms or Mobile Co-location Operations Manual as the case requires.

Deleted: it is inconsistent

Deleted: , for the period from the Determination Date until the completion of the Soft Launch.

Deleted: 6.1

Formatted: Font: Bold, English (New Zealand)

Formatted: PF (Num) Level 3, Don't adjust space between Latin and Asian text

Deleted: 6.2

Deleted: ¶

¶

<#>Determination Date means the date on which the Mobile Co-Location Standard Terms Determination comes into force;¶

<#>Implementation Period means the period commencing on the date that the Access Provider receives its first Request from an Access Seeker and ending on the completion of the Soft Launch;¶

¶

<#>¶

u

Formatted: Bullets and Numbering

## 2 Overview of the Mobile Co-location Implementation Plan

2.1 This Mobile Co-location Implementation Plan includes:

- 2.1.1 prerequisites for the Soft Launch and delivery of the Mobile Co-location Service;
- 2.1.2 provisions relating to the Soft Launch of the Mobile Co-location Service, including a description of how the Mobile Co-location Service Level Terms apply during the Soft Launch;
- 2.1.3 timelines to enable the delivery of the Mobile Co-location Service to Access Seekers;
- 2.1.4 a description of how this Mobile Co-location Implementation Plan applies to new Access Providers; and
- 2.1.5 key performance indicators (KPIs), including proposed remedial actions and outcomes where the Access Provider does not meet its KPIs and a mechanism for the Access Provider to report to the Commission and Access Seekers.

~~Deleted: prior to its full implementation~~

~~Deleted: ,~~

~~Deleted: including separate timelines for:¶  
<#>the initial implementation phase; and¶  
the Soft Launch;~~

~~Formatted: Bullets and Numbering~~

~~Formatted: Bullets and Numbering~~

~~Deleted: K~~

~~Deleted: ;~~

~~Deleted: and¶  
a description of how the Mobile Co-location Service Level Terms apply during the Implementation Period.~~

## 3 Prerequisites

### Prerequisites for Soft Launch and delivery of the Mobile Co-location Service

- 3.1 Before any Access Seeker may submit a Site Data Pack Application to the Access Provider for delivery of the Mobile Co-location Service, the following prerequisites must be met:
  - 3.1.1 the Access Seeker must have met the prerequisites set out in the Mobile Co-location General Terms and the Mobile Co-location Operations Manual, except as otherwise provided for in this Mobile Co-location Implementation Plan;
  - 3.1.2 the Access Provider must have completed any enhancements necessary to its Operational Support Systems, to enable it to provide the Mobile Co-location Service;
  - 3.1.3 the Access Provider must have completed the Initial Implementation Phase; and
  - 3.1.4 the Access Seeker must have provided the Access Provider with the required Forecasts for the Mobile Co-location Service in accordance with clause 5.4. The Access Seeker Forecasts provided during the Initial Implementation Phase will be treated as though they were submitted to the Access Provider in accordance with the requirements of clause 8.1.7 of the Mobile Co-location Operations Manual.

~~Deleted: efore the Soft Launch can commence, and b~~

~~Deleted: <#>the Access Seeker must have made a Request to the Access Provider;¶~~

~~Formatted: Bullets and Numbering~~

~~Deleted: o~~

~~Deleted: s~~

~~Deleted: s~~

~~Deleted: (including the entry of data relating to the Charges)~~

~~Deleted: i~~

~~Deleted: i~~

~~Deleted: p~~

~~Deleted: the~~

~~Deleted: 5.4.~~

~~Deleted: 3~~

## 4 Soft Launch

- 4.1 Any Access Seeker that has completed the prerequisites as set out in section 3 above may participate in the Soft Launch.
- 4.2 The objective of the Soft Launch is to identify any faults in the Mobile Co-location Service, supporting systems or processes that may prevent an Access Seeker or the Access Provider from fully implementing the Mobile Co-location Service in accordance with the Mobile Co-location Terms.
- 4.3 Each Access Provider will have their own Soft Launch, during which the Performance Penalties set out in Appendix 2 and Appendix 3 of the Mobile Co-location Service Level Terms will not apply to the first 15 applications of each of the Items set out in that Appendix 2. For avoidance of doubt, the Service Levels set out in Appendix 1 of the Mobile Co-location Service Level Terms will apply from 15 Working Days from Day Zero. However, Performance Penalties will not be payable for the first 15 applications of each of the Items set out in that Appendix 2 of the Mobile Co-location Service Level Terms.
- 4.4 The Soft Launch provisions will cease for each Access Provider after they have approved or rejected 15 project plans as set out in Item 16 of Appendix 1 of the Mobile Co-location Service Level Terms, or after 200 Working Days from when the Access Provider receives their first Site Data Pack Application, whichever occurs first.
- 4.5 The Access Provider and the Access Seekers will co-operate to the best of their ability to ensure that

~~Deleted: by the end of the Implementation Period.~~

~~Formatted: Bullets and Numbering~~

~~Deleted: Any Access Seeker that has completed the prerequisites as set out in section 3 above may participate in the Soft Launch.¶~~

~~Deleted: During the Soft Launch, the Access Pro( ... [1]~~

~~Deleted: <#>During the ... [2]~~

~~Formatted: Bullets and Numbering ... [3]~~

~~Deleted: end within~~

~~Deleted: 7~~

~~Deleted: the~~

~~Deleted: commencem( ... [4]~~

~~Deleted: <#>Within 15 ... [5]~~

~~Deleted: that participat( ... [6]~~

the objectives of the Soft Launch are achieved during the Soft Launch process. They will provide reasonable assistance to each other to identify and fix faults as soon as practicable.

4.6 For those Service Levels that are exempt from Performance Penalties, neither the Access Provider nor any Access Seeker will be liable for any faults in the Mobile Co-location Service or supporting systems or processes that may delay full implementation of the Mobile Co-location Service.

Deleted: by  
Deleted: completion date  
Deleted: N

## 5 Timeline for delivery of the Mobile Co-location Service

5.1 The Initial Implementation Phase will precede Delivery of the Mobile Co-location Service, which will occur in parallel with the Soft Launch.

5.2 The Initial Implementation Phase:

- (a) commences on Day Zero; and
- (b) will end 15 Working Days after Day Zero.

5.3 Notwithstanding that the Access Provider may have elected to perform any or all of the actions referred to in clause 5.4 prior to Day Zero, the provisions of section 4 shall remain applicable.

5.4 Initial Implementation Phase timeline:

Key milestones	Action
<u>Day Zero + 5 Working Days</u>	<u>Access Provider to have developed, and made available to all Access Seekers and the Commission, its Common Format Site Database populated with data in accordance with Mobile Co-location Operations Manual for all of the Access Provider's Relevant Facilities.</u>
<u>Day Zero + 5 Working Days</u>	<u>Access Provider to have made any necessary enhancements to its Operational Support Systems.</u>
<u>Day Zero + 6 Working Days</u>	<u>Access Provider to have provided to the Commission with a report on the completion of the Common Format Site Database, and the enhancements to its Operational Support Systems.</u>
<u>Day Zero + 10 Working Days</u>	<u>Access Seeker Forecasts for the following 24 month period to be provided to the Access Provider</u>
<u>Day Zero + 15 Working Days</u>	<u>Initial Implementation Phase is complete</u>  <u>The Access Provider's Soft Launch may commence when Access Provider receives its first request from Access Seeker after this date.</u>

Formatted: Bullets and Numbering  
Deleted: Implementation Period consists of:¶ an i  
Deleted: i  
Deleted: , which  
Deleted: p  
Deleted: date on which the Access Provider receives its first Request from an Access Seeker;  
Deleted: 40  
Deleted: ;  
Deleted: and the commencement of the initial implementation phase; and  
Deleted: <#>the Soft Launch, which which:¶ <#>commences 15 working days after the Determination Date, ces after completion of the initial implementation phase when the Access Provider has received its first request from the first Access Seeker the Access Seeker's initial Mobile SeekerCo-location Forecast and Initial List, as referred to in clause 5.4; and¶ <#>will apply for the first 15 applications only for each stage of the process for each Access Provider, and¶ <#>will end 7100 Working Days after the commencement of Soft Launch and no performance penalties will apply during this period.¶  
Formatted: Bullets and Numbering  
Deleted: 5.3  
Deleted: or prior to receiving its first Request from an Access Seeker  
Deleted: clause  
Deleted: 5.4  
Deleted: i  
Deleted: p  
Deleted: 25  
Deleted: 10  
Deleted: New

## 6 Future Access Providers

6.1 Every person that is an Access Provider of the Mobile Co-location Service on the Determination Date (Current Access Provider) shall be subject to the terms of this Mobile Co-location Implementation

Plan from the Determination Date.

- 6.2 Every person that becomes an Access Provider of the Mobile Co-location Service on a date after the Determination Date (**Future Access Provider**) shall be subject to the terms of this Mobile Co-location Implementation Plan from the date that they become an Access Provider of the Mobile Co-location Service.
- 6.3 The timeframes in this Mobile Co-location Implementation Plan shall apply to any person who becomes an Access Provider on a date which is after the Determination Date as though references to the Determination Date are instead references to the date from which the new Access Provider qualifies as an Access Provider of the Mobile Co-location Service.

## 7 Key performance indicators (KPIs) and service levels

### Key performance indicators

7.1 The following KPIs apply to this Mobile Co-location Implementation Plan for the Implementation Period:

- 7.1.1 The Access Provider has developed, and made available to all Access Seekers who have made a Request of it, its Common Format Site Database populated with data in accordance with the Mobile Co-location Operations Manual for all of the Access Provider's Relevant Facilities within 5 working days from Day Zero.
- 7.1.2 The Access Provider has completed any enhancements to its operational support systems within 5 Working Days from Day Zero.
- 7.1.3 The Access Provider has provided the reports referred to in clause 7.3.

### Remedial actions and outcomes where the Access Provider does not meet its KPIs

- 7.2 The remedial actions and outcomes set out below apply where the Access Provider does not meet its KPIs:
  - 7.2.1 If the Access Provider has not met one or more KPIs set out in clause 7.1, it must put in place a plan to remedy the situation and will correct that situation as soon as is practicable in the circumstances. The Access Provider will provide the plan to the Commission and all Access Seekers that have made a request of it. In the interim, the Access Provider will take reasonable remedial action.
  - 7.2.2 Where the Access Provider has not met one or more KPIs for the Mobile Co-location Service, and is requested to do so by the Commission, the Access Provider will provide weekly reports to the Commission setting out the reasons why it has not met the relevant KPIs for the Mobile Co-location Service, and the steps it intends to take to comply until the Access Provider is once again meeting its KPIs.
  - 7.2.3 If it becomes apparent to the Access Provider that it will not achieve the KPIs set out in clause 7.1, it will report to the Commission, and all Access Seekers who have made a request for it, on why it will not achieve the KPIs and what steps it will take to meet those KPIs.

### Mechanism for the Access Provider to report to the Commission and Access Seekers

- 7.3 The Access Provider will provide the following written reports to the Commission, with a copy to all Access Seekers that have made a Request of it:
  - 7.3.1 a report to be provided within 6 Working Days of Day Zero advising whether the Access Provider has implemented all necessary changes to its Operational Support Systems and established and completely populated the Common Format Site Database.
  - 7.3.2 a report to be provided 10 Working Days after completion of the Soft Launch setting out the results of the implementation Mobile Co-location under this Mobile Co-location Implementation Plan, including setting out any material risks that may impact on the ongoing roll-out of Mobile Co-location Service, as identified in the Soft Launch

Deleted: <#>Prioritisation of Relevant Facilities ... [7]

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Deleted: completed any enhancements to its operational support systems within 20 Working Days of the Request.

Deleted: developed

Deleted: and made available to all Access Seekers that have made a Request of it, its Common Format Site Database populated with data, in accordance with the Mobile Co-location Operations Manual, for a minimum of 200 Relevant Facilities that are reasonably and/or practically capable (i.e. physically compatible) of supporting the Mobile Co-location Service (or, if the Access Provider has less than 200 such Relevant Facilities, all of the Access Provider's such Relevant Facilities) within 40 Wor... [8]

Deleted: <#>Within 5 Working Days of the dates on wh... [9]

Deleted: 78.3.2

Deleted: .

Deleted: R

Deleted: fortnightly

Deleted: in that quarter

Deleted: during the next quarter

Formatted: Bullets and Numbering

Deleted: 78.1

Deleted: r

Deleted: confirming compliance or otherwis... [10]

Formatted: Bullets and Numbering

Deleted: 25

Deleted: 5

Deleted: the Request

Deleted:

Deleted: o

Deleted: and

Deleted: s

Deleted: s

Deleted: ¶

<#>a report to be provi... [11]

Formatted: Bullets and Numbering

Deleted: Implementation of Service Level Terms ... [12]

Page 3: [1] Deleted

Author

During the Soft Launch, the Access Provider will accept and continue to process, in accordance with the Mobile Co-location Operations Manual, up to a maximum (inclusive) cumulative total of 30 Site Data Pack Applications that are received from all Access Seekers in relation to Relevant Facilities listed in the Access Provider's Common Format Site Database, as referred to in clause 5.4.

Page 3: [2] Deleted

Author

During the Soft Launch, the Access Provider will continue to populate its Common Format Site Database with data, in accordance with the Mobile Co-location Operations Manual.

Page 3: [3] Change

Author

Formatted Bullets and Numbering

Page 3: [4] Deleted

Author

commencement of the Soft Launch period, as referred to in clause 5.4. , whether or not the Access Provider has completed processing the Site Data Pack Applications described in clause 4.3 by that date. However, where the Access Provider has not completed processing any Site Data Pack Applications by the end of the Soft Launch, the Access Provider shall continue to process those Site Data Pack Application(s) in accordance with the Mobile Co-location Operations Manual.

Page 3: [5] Deleted

Author

Within 15 Working Days of completion of the Soft Launch as referred to in clause 5.4, the Access Provider will provide a written report to the Commission, with a copy to all Access Seekers that have made a Request of it, setting out any material risks that may impact on the ongoing roll-out of Mobile Co-location Service, as identified in the Soft Launch.

Performance Penalties in respect of the failure by the Access Provider to meet the Service Levels in the Mobile Co-location Service Level Terms will not apply for the first 15 site data pack applications in respect of the period prior to completion of the Soft Launch.

Page 3: [6] Deleted

Author

that participate in the Soft Launch

Page 5: [7] Deleted

Author

## Prioritisation of Relevant Facilities

Subject to the remainder of this section 7, the prioritisation of the Relevant Facilities during the Implementation Period will be undertaken in accordance with the prioritisation methodology in the Mobile Co-location Operations Manual.

**The Capacity Limit during the first 70 Working Days of the Soft Launch shall be limited to 30 Site Data Pack Applications.**

Page 5: [8] Deleted

Author

and made available to all Access Seekers that have made a Request of it, its Common Format Site Database populated with data, in accordance with the Mobile Co-location Operations Manual, for a minimum of 200 Relevant Facilities that are reasonably and/or practicably capable (i.e. physically compatible) of supporting the Mobile Co-location Service (or, if the Access Provider has less than 200 such

Relevant Facilities, all of the Access Provider's such Relevant Facilities) within 40 Working Days of the Request.

**Page 5: [9] Deleted**

**Author**

Within 5 Working Days of the dates on which Site Data Pack Applications are received, the Access Provider has issued up to 30 Site Data Packs for the total number of Access Seekers.

For the Site Data Packs that have been issued by the Access Provider, the Access Provider has processed, or is continuing to process, such Site Data Pack Applications (and any Applications subsequently made by the Access Seeker which relate to the initial Site Data Packs) in accordance with the provisions and timeframes set out in the Mobile Co-location Operations Manual.

Prior to the completion of the Soft Launch, the Access Provider has populated its Common Format Site Database with data, in accordance with the Mobile Co-location Operations Manual for all of the Relevant Facilities in respect of those Access Seekers that provided forecast on Day Zero + 10 working days to make Site Data Pack Applications for the first 24 months within 15 Working Days of Day Zero..

**Page 5: [10] Deleted**

**Author**

confirming compliance or otherwise of the KPIs set out in clause 8.1

**Page 5: [11] Deleted**

**Author**

a report to be provided within 20 Working Days after the commencement of Soft Launch on the progress of Site Data Pack Applications during the Soft Launch; and

a report to be provided within 15 Working Days following the commencement completion of the Soft Launch setting out the results of the Soft Launch and identifying any material risks that may impact on ongoing implementation of the Mobile Co-location Service.

**Page 5: [12] Deleted**

**Author**

#### **Implementation of Service Level Terms**

For the avoidance of doubt, the Mobile Co-location Service Level Terms will apply for applications in excess of the first 15 applications during the Soft Launch from the Determination Date but neither the Performance Penalties, nor any other liability for the Access Provider, will apply in respect of the period prior to end of the Soft Launch.