

17 February 2009

Tom Forster
Manager
Telecommunications Branch
Commerce Commission
PO Box 2351
Wellington

Dear Tom

Mobile Co-location Standard Terms Determination - Clarification - Rooftops and Buildings

1. Thank you for your letter of 30 January 2009 in relation to the inclusion of Rooftop Sites in each Access Provider's Common Format Site Database under the mobile co-location standard terms determination (**STD**). We appreciate the Commission's support of industry dialogue in respect of the implementation of the STD.
2. As discussed at the meeting on Wednesday 28 January 2009, the industry is in agreement that the current wording of the STD will result in a large number of sites being included in an Access Provider's Common Format Site Database that are not practicably capable of enabling co-location. To remedy this we have developed wording that will ensure that those Rooftop Sites which may be capable of facilitating co-location are included, while at the same time a number of sites that will not facilitate co-location are excluded. We believe the proposed wording will result in a better and more cost effective Mobile Co-location Service.
3. We acknowledge that the consensus we have reached is not an exception to each party's obligations to meet the key performance indicators (**KPIs**) in the STD. To that end, each party will need to ensure for itself that it is compliant with the STD, including any measures it may need to take in relation to not meeting the KPIs. We further acknowledge that unless and until the Commission agrees to any amendments, all parties must comply with the terms of the STD, as it is currently worded.
4. In relation to Rooftop Sites, we are in agreement with the following concepts:
 - (a) that the obligation to include "Rooftop Sites" should be retained in the Common Format Site Database, within the timeframes set out in the Implementation Plan;
 - (b) that the term "Rooftop Site" should be amended, to constitute any building or rooftop for which the Access Provider has a right of Relevant Occupation over the whole area; and
 - (c) where the Access Provider does not have a right of Relevant Occupation over the whole building or rooftop, this would be an instance of co-siting.
5. We therefore propose the following drafting amendments to the STD (with the new wording underlined):

(a) **General Terms**

- **Clause 1.1**, definition of "Mast" should be amended as follows: "means any tower, pole, mast or other similar structure...and that is the subject of a Relevant Occupation by the Access Provider. For the avoidance of doubt, a Mast may include a Rooftop Site, but shall not include any other building, or part of a building."
- **Clause 1.1**, add a new definition of "Rooftop Site": "means a building or the rooftop of a building which in either case is subject, in its entirety, to a right of Relevant Occupation by the Access Provider."

(b) **Implementation Plan**

- **Clause 1.8**, remove definition of "Rooftop Site" but leave all other wording as it is currently drafted¹.

6. We believe that the above amendments will ensure that sites which are capable of enabling co-location (such as exchanges which are used for operating mobile services) will be included in each Access Provider's Common Format Site Database. The parties are in agreement that they will implement the above concepts so that any site which is physically compatible of supplying the Mobile Co-location Service will be included.²
7. Please let us know if any of the above requires further clarification or explanation. We appreciate you considering this matter and we look forward to hearing from you.

Yours sincerely



John Wesley-Smith
Head of Public Policy & Regulatory Affairs
Telecom Corporation of NZ Limited



Richard York
Regulatory Manager
Vodafone NZ Limited

¹ Since the definition of "Rooftop Site" is included in the definition of "Mast", we think the definition of "Rooftop Site" should be included in the General Terms, so that the reader does not need to cross-refer to the Implementation Plan when reading the definition of "Mast"

² This concept was unanimously agreed by the TCF Mobile Co-location Working Party, as reflected in the "Recommendations for Final Agreement at the Mobile Co-location Working Party Meeting on 28 March 2008", page 36



Michael Goss
Chief Technical Officer
NZ Communications Limited



Andrew McPherson
Project Director
Woosh Wireless Limited