COMMERCE COMMISSION

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

MOBILE CO-LOCATION IMPLEMENTATION PLAN

PUBLIC VERSION

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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.

Interpretation

1.6 References to clauses or sections are references to clauses and sections of this Mobile Co-location Implementation Plan unless expressly provided otherwise.

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. The additional definitions set out in clause 1.8 apply to this Mobile Co-location Implementation Plan.

1.8 In this document:

Additional Database Implementation Phase	has the meaning given in clause 4.3.
Current Access Provider	has the meaning given in clause 6.1.
Day Zero	means: (a) in relation to Current Access Providers, the Determination Date; and (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.
Determination Date	means the date on which the Mobile Co-location Standard Terms Determination comes into force.
Future Access Provider	has the meaning given in clause 6.2.
Initial Implementation Phase	means the period commencing on the Determination Date and ending 20 Working Days after Day Zero.
Operational Support Systems	means the Fault Management System and Provisioning System set out in the Mobile Co-location Operations Manual.
Participating Access Seekers	means Access Seekers who participate in the relevant Soft

	Launch.
~~**Rooftop Site**~~	~~means a Relevant Facility where the Mast is a building or part of a building, such as a chimney.~~
Soft Launch	means the period commencing at least 20 Working Days after the Determination Date when an Access Provider receives its first Site Data Pack Application from an Access Seeker, and ending at the point in time set out in clause 5.7.
Soft Launch Applications	has the meaning given in clause 5.4.
Working Day	has the meaning given in the Telecommunications Act 2001.

1.9 The timelines set out in section 4 of the Mobile Co-location Implementation Plan are measured as Working Days after Day Zero. For instance, Day Zero +10 Working Days means 10 Working Days after Day Zero. However, the Working Days after Day Zero will not include any Working Day between 22 December 2008 and 2 January 2009 (inclusive).

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.

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;

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 4.2. 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.

4 Timeline for delivery of the Mobile Co-location Service

4.1 The Initial Implementation Phase will precede the Soft Launch of the Mobile Co-location Service. The Initial Implementation Phase:

(a) commences on Day Zero; and

(b) will end 20 Working Days after Day Zero.

4.2 Initial Implementation Phase timeline:

Key milestones	Action
Day Zero + 10 Working Days	Access Provider to have developed, and made available to the Commission and any Access Seeker who has made a Request of it, its Common Format Site Database populated with data in accordance with Mobile Co-location Operations Manual (excluding those components to be populated during the Additional Database Implementation Phase referred to in clause 4.5 below).
Day Zero + 10 Working Days	Access Provider to have made any necessary enhancements to its Operational Support Systems.
Day Zero + 15 Working Days	Access Provider to have provided to the Commission, and any Access Seeker that has made a Request of it, with a report on the initial implementation of its Common Format Site Database, and the enhancements to its Operational Support Systems.
Day Zero + 15 Working Days	Access Seeker Forecasts for the following 24 month period to be provided to the Access Provider
Day Zero + 20 Working Days	Initial Implementation Phase is complete The Access Provider's Soft Launch may commence when the Access Provider receives its first Site Data Pack Application from an Access Seeker after this date.

4.3 The Additional Database Implementation Phase is a period for the inclusion of additional details in the Access Provider's Common Format Site Database that are not required to be populated in accordance with the Initial Implementation Phase.

4.4 The Additional Database Implementation Phase:

4.4.1 commences on Day Zero; and

4.4.2 will end 45 Working Days after Day Zero.

4.5 Additional Database Implementation Phase timeline:

Key milestones	Action
Day Zero + 40 Working Days	Access Provider to have populated, and made available to the Commission and any Access Seeker who has made a Request of it, the final version of its Common Format Site Database containing: ▪ Rooftop Sites; and ▪ reference values from the MED's Spectrum Search Lite database (as outlined in clause 30.3.1(e) of the Mobile Co-location Operations Manual).
Day Zero + 45 Working Days	Access Provider to have provided to the Commission, and any Access Seeker that has made a Request of it, with a report on the final implementation of its Common Format Site Database.

4.6 Notwithstanding that the Access Provider may have elected to perform any or all of the actions referred to in clause 4.2 or 4.5 prior to Day Zero, the provisions of section 5 shall remain applicable.

5 Soft Launch

5.1 Any Access Seeker that has completed the relevant prerequisites as set out in section 3 above may participate in the Soft Launch.

5.2 The objectives of the Soft Launch are:

5.2.1 in respect of the Access Provider, to identify any faults in the Mobile Co-location Service, supporting systems or processes that may prevent the Access Provider from fully implementing the Mobile Co-location Service in accordance with the Mobile Co-location Terms; and

5.2.2 in respect of Participating Access Seekers, learning how to progress the different stages of the end-to-end process and obtaining training from the Access Provider in the use of the Access Provider's Operational Support Systems (as described in the Mobile Co-location Operations Manual).

5.3 Each Access Provider will have their own Soft Launch. The Soft Launch will commence in respect of an Access Provider when the Access Provider receives its first Site Data Pack Application from an Access Seeker under this Mobile Co-location Implementation Plan. An Access Seeker may not submit a Site Data Pack Application until completion of the Initial Implementation Phase.

5.4 The Performance Penalties set out in Appendix 2 of the Mobile Co-location Service Level Terms will not apply in relation to Service Level Defaults that arise when processing:

5.4.1 Site Data Pack Applications accepted during the period of 30 Working Days immediately following commencement of the Soft Launch, and the subsequent related Applications for the same Relevant Facilities that are the subject of those initial Site Data Pack Applications (for example, the Full Site Application, Preliminary Notice and Project Plan); or

5.4.2 if less than ten (10) Site Data Pack Applications are accepted for processing during the 30 Working Day period referred to in clause 5.4.1 above, the first ten (10) Applications that the Access Provider accepts for processing following commencement of the Soft Launch and the related Applications for the same Relevant Facilities that are the subject of those initial Site Data Pack Applications,

(the **Soft Launch Applications**).

5.5 Any further Applications (in excess of the Soft Launch Applications) accepted for processing will be

subject to Performance Penalties.

5.6 For the avoidance of doubt, the Service Levels set out in Appendix 1 of the Mobile Co-location Service Level Terms will apply to Soft Launch Applications, including the service level limits of (10) Site Data Pack Applications or Full Site Applications in any rolling period of 5 Working Days.

5.7 The Soft Launch will be complete in respect of any Access Provider after that Access Provider has approved or rejected the Project Plans (as set out in clause 19.3 of the Mobile Co-location Operations Manual) that relate to the Soft Launch Applications, or after 240 Working Days from commencement of the Soft Launch, whichever occurs first.

5.8 The Access Provider and the Participating Access Seekers will co-operate to the best of their ability to ensure that the objectives of the Soft Launch are achieved during the Soft Launch period. The Parties will provide reasonable assistance to each other to identify and fix faults as soon as practicable.

5.9 Neither the Access Provider nor any Participating Access Seeker will be liable for any faults in the Mobile Co-location Service or supporting systems or processes that may delay delivery of the Mobile Co-location Service, during the Soft Launch.

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.

7 Key performance indicators (KPIs) and service levels

Key performance indicators

7.1 The Access Provider's performance under the Mobile Co-location Implementation Plan must be measured against KPIs, with remedial actions where KPIs are not met, and incentives for meeting KPIs.

7.2 The Access Provider must meet the following KPIs:

7.2.1 the Access Provider has developed, and made available to all Access Seekers who have made a Request of it, the initial implementation of its Common Format Site Database, populated with data in accordance with clause 4.2 above, within 10 Working Days from Day Zero;

7.2.2 the Access Provider has completed any enhancements to its operational support systems within 10 Working Days from Day Zero;

7.2.3 the Access Provider has developed, and made available to all Access Seekers who have made a Request of it, the final implementation of its Common Format Site Database, populated with data in accordance with clause 4.5 above, within 40 Working Days from Day Zero; and

7.2.4 the Access Provider has provided the reports referred to in clause 7.4.

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

7.3 The remedial actions and outcomes set out below apply where the Access Provider does not meet its KPIs:

7.3.1 if the Access Provider has not met one or more KPIs set out in clause 7.2, 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;

7.3.2 if it becomes apparent to the Access Provider that it will not achieve the KPIs set out in clause 7.2, 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; and

7.3.3 where the Access Provider has not met one or more KPIs set out in clause 7.2, and is requested to do so by the Commission, the Access Provider must provide fortnightly 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 the relevant KPIs.

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

7.4 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:

7.4.1 a report to be provided within 15 Working Days of Day Zero advising whether the Access Provider has implemented all necessary changes to its Operational Support Systems and established and populated the initial implementation of its Common Format Site Database;

7.4.2 a report to be provided within 45 Working Days of Day Zero advising whether the Access Provider has completed the final implementation of its Common Format Site Database; and

7.4.3 a report to be provided 10 Working Days after completion of the Soft Launch setting out the results of the implementation of the Mobile Co-location Service during the Soft Launch, including setting out any material risks that may impact on the ongoing roll-out of Mobile Co-location Service.

7.5 All of the reports under clause 7.4 must be published on the Access Provider’s website.