



**REGULATORY AFFAIRS**

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Tom Forster  
Commerce Commission  
44-52 The Terrace  
PO Box 2351  
**Wellington**

Dear Tom

**Mobile co-location – Further matters for discussion at the mobile co-location conference**

In the course of developing and implementing our mobile co-location service we have come across a number of practical aspects of the current drafting in the operations manual that can be improved and/or clarified. We consider these to be non-contentious, but wish to raise them prior to the mobile co-location conference, in order to enable interested parties to raise any concerns at the conference:

***Applications received outside business hours***

1. **Clause 13.7.3** states that where an application is submitted to the Access Provider outside of Business Hours the service level must be met in the "first Business Hour of the following Working Day".
2. The clause as currently drafted would mean that for Applications received out of business hours an Access Provider only has one hour, as opposed to the four hours it would have for applications received during business hours, to acknowledge receipt.
3. Telecom's understanding is that the clause was actually intended to set a start time for determining service level compliance for applications received outside business hours and accordingly should read:

*For the purpose of determining whether the Access Provider has met any Service Levels, any application that is submitted to the Access Provider outside of business hours will be deemed to have been received by the Access Provider in the first Business Hour of the following Working Day*

***Queue information in the Common Format Site database***

4. The overview of the Queuing policy in **clause 11.1.3** states that the "*the relative position of the Access Seeker in relation to other Access Seekers in the Queue at the Relevant Facilities will be represented in the Common Format Site Database.*"
5. This is inconsistent with what is actually required to be included in the Common Format Site Database. *Clause 31.3.1 (p)* states that the common format site database will include "*the number of all Access Seekers currently in the queue for the relevant facility.*" Clause 31.1.3 reflects what was

agreed at the TCF and does not disclose who is in the queue. This information is confidential and should not be disclosed. Clause 11.1.3 needs to be amended so it is consistent with clause 31.3.1 (p).

### ***Extension applications***

6. **Clause 11.4.8 (b)** states that where an Extension application is rejected *“the Access Seeker’s relevant Application will lapse and the Access Provider will remove the Access Seeker from the queue.”* Telecom does not consider that this should be the case where an extension application is made before the expiry of the time period allowed under the STD as this would discourage parties from making a timely extension application. For example, if an extension application is rejected on the 100<sup>th</sup> day of a 120 day time period the Access Seeker should still get the benefit of the additional twenty days.
7. The clause should read:

*(b) the Access Seeker’s relevant application will lapse at the end of the timeframe allowed for that part of the process, or where that timeframe has already been exceeded at the time when the application is rejected.*

### ***Time limit for land owner and Resource Management Act approval***

8. **Appendix D** states that an Access Seeker has 120 Working Days (60 + 60) to obtain Landlord and third party approvals and to obtain Resource Management Act consents.
9. Telecom notes that this should be reflected in **Appendix K** in the “date of expiry field”. The date of expiry should be stated as 120 Working Days from the date of issue.
10. **For completeness this timeframe should also be flowed through to clauses 17.3.1 and 18.3.1.** Currently clause 17.3.1 refers to 60 Working Days and *clause 18.3.1* does not include a timeframe. Clause 18.3.1 should be amended to include a 60 day time frame and it should be made clear that these timeframes do not run concurrently.

### ***Preliminary Site Approval Conditions***

11. It is not clear what happens in a situation where an Access Seeker does not satisfy all the conditions included in the Preliminary Site Approval (clause 19.3.2). In particular Telecom would like clarity on whether an Access Seeker would remain in the queue where this occurs.

### ***Site Alterations***

12. The current site alteration process is fragmented and it is unclear where it fits within the application process established by the Operations Manual. It should be integrated into this process as follows:
  - (a) At the time of the full site application the Access Seeker should lodge an Appendix providing details of the proposed site alterations; or  
  
At the time of the full site application note that it is conditional on site alterations;

- (b) During the 120 days an Access Seeker has to fulfil the preliminary site approval conditions the parties will agree the terms and conditions of the site alterations; and
- (c) At the final site approval stage the Access Provider will also sign off the site alteration proposal.

13. We attach a diagram which shows the proposed process. Telecom acknowledges this will require the redrafting of parts of the STD but thinks the improvements to the process justify this additional work. Telecom will be happy to provide further assistance if the Commission would like it.

Please contact me if you have any further queries or would like further information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'JWS', is written over a light blue rectangular background.

**John Wesley-Smith**  
**Head of Regulatory Affairs**