

DETAILED SUBMISSION ON THE IMPLEMENTATION PLAN

SECTION/CLAUSE of the DRAFT COMMERCE COMMISSION STD	COMMENT
General Comments	<p>Telecom believes that the Implementation Plan should give Access Providers and Access Seekers time to develop and identify any improvements that could be made to the Service or supporting systems or processes that may prevent an Access Seeker or Access Provider from fully implementing the Service in accordance with the STD by the end of the Soft Launch. The Commission's Implementation Plan will not achieve these objectives because it gives Access Providers and Access Seekers insufficient time to develop and test their systems.</p> <p>Therefore, Telecom proposes that:</p> <ul style="list-style-type: none"> • The Implementation Plan should allow greater time for Access Providers to develop the Common Format Site Database and to make the necessary enhancements to their operational support systems. • The Soft Launch should be time based consistent with the established and accepted Soft Launches that have been used to implement other STDs. Telecom also submits that there should be a bow wave under which the cumulative number of Site Data Pack Applications and Full Site Applications processed is gradually increased. This will allow Access Providers to manage the expected initial rush on Site Data Pack Applications and Full Site Applications. <p>Telecom sets out the timeframes it believes are reasonable to achieve the implementation of the Service in its comments in section 5 of the Implementation Plan.</p>
1 Introduction	
2 Overview of the Mobile Co-location Implementation Plan	
3 Prerequisites	
Prerequisites for Soft Launch and Delivery of the Mobile Co-location Service	<p>Sub-clause 3.1.1</p> <p>Sub-clause 3.1.1 requires the Access Seeker to meet the prerequisites in the General Terms and Operations Manual before submitting a Site Data Pack Application.</p> <p>However, the Commission has included the phrase "except as otherwise provided for in this Mobile Co-location Implementation Plan" in sub-clause 3.1.1.</p> <p>Telecom submits that this phrase should be deleted because:</p> <ul style="list-style-type: none"> • It is unclear what this phrase is intended to apply to. • Access Seekers should be required to satisfy the prerequisites for the service set out in the General Terms and Operations Manual during the Implementation Period. The Implementation Period is intended to allow Access Providers time to adopt and fine-tune new systems and processes without being subject to Performance Penalties. For example, Access Seekers have to verify that they have access to the Access Provider's provisioning system in order for the system and processes to be tested in the Soft Launch. Therefore, removing the requirement for the Access Seeker to meet certain prerequisites is inconsistent with the purpose of the Soft Launch. <p>Therefore, Telecom submits that the phrase "except as otherwise provided for in this Mobile Co-location Implementation Plan" should be deleted.</p>

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<p>4 Soft Launch</p>	<p>The objectives of a Soft Launch are to identify any improvements that could be made to the Service or supporting systems or processes that may prevent an Access Seeker or Access Provider from fully implementing the Service in accordance with the STD by the end of the Soft Launch. Therefore, a Soft Launch should allow the Access Provider and Access Seekers to develop their systems and processes and gain confidence that they can operate those systems as a BAU service without the risk of Performance Penalties, which will have a negative influence on the Access Provider's ability to focus on process and system improvements.</p> <p>Telecom does not believe that the Commission's Soft Launch achieves these objectives for the reasons set out below, but, in particular, because the Soft Launch is volume rather than time based and provides insufficient time for Access Providers and Access Seekers to test the process and support systems used to deliver the Service.</p> <p>Clause 4.3</p> <p>The Commission has moved from an established and accepted time based Soft Launch to a volume based Soft Launch. Telecom notes that the Performance Penalties set out in appendices 2 and 3 of the Service Level Terms will not apply for the first 15 applications for each of the items set out in appendix 2 of the Service Level Terms (the Service Levels themselves continue to apply).</p> <p>Telecom submits that the Soft Launch should be time based rather than volume based. Adopting a volume based Soft Launch period will not allow Access Providers to develop and improve their systems to improve the Service for Access Seekers. Access Providers will not be able to do anything meaningful to the Service and its supporting systems and processes within the timeframes provided. Therefore, no testing will occur and no improvements will be implemented. This is inconsistent with the established and accepted objectives of a Soft Launch. Furthermore, Access Seekers are likely to suffer as a result of Access Providers not having time to identify issues and consult, review and improve their systems and processes.</p> <p>Telecom submits that a time based Soft Launch better achieves the purpose because:</p> <ul style="list-style-type: none"> • Access Providers will not have time to improve their systems during a Soft Launch that only lasts 5 Working Days. • The Access Provider could have more than 15 Site Data Pack Applications at Day Zero + 15 Working Days. All of these Site Data Pack Applications will be due at the same time (Day Zero + 20), but Performance Penalties do not apply to only the first 15. Performance Penalties will apply to some of the applications received during the first 5 Working Days if more than 15 applications are received at the beginning of the Soft Launch. Effectively, this means that Performance Penalties apply during the Soft Launch when the Access Provider is testing its systems. • Soft Launches should allow Access Providers to improve their delivery of the Service from end to end. Improvements to the Access Provider's process when a stage 3 application is received may require changes to the Access Provider's process when a stage 2 application is received. However, the Soft Launch for stage 2 applications may have already finished by the time the process improvements become apparent to the Access Provider under the Commission's Soft Launch. For example, at present, Access Seekers are required to provide electrical drawings at the time of application. The Soft Launch may reveal that these drawings are better provided at the Project Plan stage. The Access Provider will not be able to improve this process without the risk of incurring Performance Penalties. • The Soft Launch also gives Access Seekers time to adjust to new systems and processes used for the delivery of the Service. Other Access Seekers will not get the benefits of a Soft Launch if one Access Seeker makes 15 applications at the start of the Soft Launch. A time based Soft Launch allows other Access Seekers to get the benefit of a Soft Launch.

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	<ul style="list-style-type: none"> • A volume based Soft Launch is inconsistent with all other STDs. Other STDs are being successfully implemented by Telecom. Access Seekers have not complained about the implementation of these STDs. There is no reason to change the Soft Launch for Mobile Co-location to be volume based when other Soft Launches have been time based and worked well. • Furthermore, the Commission's Implementation Plan does not make it clear what happens to applications currently being dealt with under the Code. It is unclear whether an approval or rejection of a Project Plan under the Code (or some other event) will count towards the volume limit in the Soft Launch. Access Providers currently operating under the Code would not be able to test their processes and systems from end to end if these approvals or rejections counted towards the volume based figure in the Soft Launch. <p>A time-based Soft Launch avoids these problems because Access Providers and Access Seekers will be able to test the end to end process used to provide the Service and its support systems. This will be of benefit to both Access Providers and Access Seekers as it will allow improvements to be made to the Service. Therefore, Telecom submits that the Soft Launch should be time based. Telecom proposes a timeline for the Soft Launch in its comments on section 5.</p> <p>Telecom also submits that a Bow Wave should be included in the Implementation Plan as suggested by Telecom's submission on Vodafone's STP. The Bow Wave proposed is discussed in more detail at the end of this document.</p> <p>Clause 4.6</p> <p>Access Providers and Access Seekers should be exempt from liability for faults in the Service or supporting systems or processes that may delay the full implementation of the Service for all Service Levels.</p> <p>Access Providers may have faults in any part of the Service or its supporting systems or processes during the Soft Launch. The objective of the Soft Launch is to test those systems. Therefore, the exemption from liability for faults should apply to all parts of the Service during the Soft Launch and not just those which are subject to Performance Penalties. This is consistent with the approach taken by the Commission to the implementation of other STDs, such as UBA Backhaul.</p> <p>Therefore, Telecom submits that the phrase "For those Service Levels which are exempt from Performance Penalties" should be deleted from the beginning of clause 4.6.</p>
<p>5 Timeline for delivery of the Mobile Co-location Service</p>	<p>Clause 5.1</p> <p>The Commission has inserted clause 5.1 as an explanation of section 5 of the Implementation Plan.</p> <p>"The Initial Implementation Phase will precede Delivery of the Mobile Co-location Service, which will occur in parallel with the Soft Launch."</p> <p>Telecom believes that this clause is confusing. The clause does not add anything to the Implementation Plan or assist with its interpretation. Therefore, Telecom submits that it should be deleted.</p> <p>Clause 5.4</p> <p>The Commission's timeframe for the delivery of the Service is unreasonable and unworkable. The Initial Implementation Phase proposed by the Commission requires Access Providers to:</p> <ul style="list-style-type: none"> • complete the Common Format Site Database and make it available to all Access Seekers and the Commission by Day Zero + 5 Working Days; • complete all necessary improvements to its operational support systems by Day Zero + 5 Working Days; and • report on the completion of the Common Format Site Database and the improvements to its operational support systems by Day Zero + 6 Working Days. <p>Telecom cannot deliver the Common Format Site Database within this timeframe. At present, the information required for the</p>

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	<p>Common Format Site Database is held in nine different databases. These databases have to be combined in order to produce the Common Format Site Database.</p> <p>Furthermore, the inclusion of buildings within the definition of Masts (and therefore Relevant Facilities) will dramatically increase the number of Relevant Facilities that Telecom must include in the Common Format Site Database. Telecom does not have information on all of these sites in its pre-existing databases.</p> <p>Telecom has started work on implementing the Service as agreed in the TCF in good faith. Allowing Access Providers to get a head-start on implementing the Service is one the purposes of the TCF. The Commission should not impose unreasonable and unworkable timeframes on Access Providers as a result of this good faith commitment to begin implementing the TCF agreement. This is particularly the case where the Commission makes substantial changes to the Service throughout the STD process. Any change to the Service adds time, cost and uncertainty to its implementation. For example, the Commission made significant changes to the UBA Backhaul Service in the final STD without any prior notice to Telecom (the Access Provider) or Access Seekers. The implementation issues caused by these late changes are still being worked through by Telecom.</p> <p>Telecom has been working to resolve these issues and develop a Common Format Site Database. This work cannot be expected to deliver the Common Format Site Database within the timeframe proposed by the Commission.</p> <p>Access Providers are given only 1 Working Day to report on their delivery of the Common Format Site database and the necessary enhancements to their operational support systems. This is inconsistent with other STDs, which have given Access Providers 15 Working Days to provide a report to the Commission (see, for example, the Implementation Plan for the UBA Backhaul STD). Telecom cannot compile the information required for the report in one day. A longer period of 15 Working Days is required in order to provide a valuable report that identifies and attempts to solve any implementation issues.</p> <p>New Timeline</p> <p>Telecom proposes a new timeline that deals with the issues identified above. Telecom believes that this timeline is realistic. It gives Access Seekers timely access to the Service while allows Access Providers and Access Seekers time to develop and improve their end to end systems. The timeline should be:</p> <p><i>Initial Implementation Phase</i></p> <p>Day Zero</p> <p>Day Zero + 1 Working Day - Access Seekers wanting their forecasts to be included in the Common Format Site Database development during the Implementation Period must submit to the Access Provider a good faith, non-binding Forecast of the total number of Site Data Pack Applications by Territorial Authority it expects to submit to the Access Provider for each calendar month for the next 24 month period. This will allow the Access Provider to develop the Common Format Site Database in accordance with the Access Seeker's forecast demand.</p> <p>Day Zero + 40 Working Days - Access Provider to have completed any necessary enhancements to its operational support systems.</p> <p>Day Zero + 55 Working Days - Access Provider to have produced a report to the Commission, with a copy to all Access Seekers that have made a request of it, advising that the Access Provider has delivered the necessary enhancements to its operational support systems and the Common Format Site Database and, if not, detailing how and when the necessary enhancements to its operational support systems and the Common Format Site Database will be delivered.</p> <p>Initial Implementation Phase is complete.</p> <p>Any date before Soft Launch - Access Seekers that are participating in the Soft Launch to submit to the Access</p>

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	<p>Provider an initial Forecast in accordance with the Operations Manual and a Priority List in accordance with the Bow Wave.</p> <p><i>Soft Launch</i></p> <p>Any date after the date on which the initial implementation phase completes - Soft Launch day zero (SL)</p> <p>SL + 5 - Access Provider to provide to each Access Seeker that has provided to the Access Provider an initial Forecast, a list setting out the Site Data Pack Applications and Full Site Applications up to the Bow Wave Limit, which have been prioritised from the Priority List(s), in accordance with the Bow Wave (the Prioritised List).</p> <p>SL + 10 - Access Seekers that participate in the Soft Launch may submit to the Access Provider Site Data Pack Applications, provided that such Site Data Pack Applications are in accordance with the Prioritised List.</p> <p>SL + 15 - Access Provider to have provided Site Data Packs up to the Bow Wave Limit for Site Data Pack Applications which have been received. The Site Data Packs shall be provided in accordance with the provisions set out in the Operations Manual.</p> <p>SL + 15 Working Days until SL + 70 Working Days - Access Provider to continue to process all Site Data Pack Applications, Initial Site Applications and Full Site Applications received from Access Seekers in accordance with the Prioritised List and the provisions (and timeframes) set out in the Operations Manual.</p> <p>SL + 70 - Access Seekers may submit Site Data Pack Applications in accordance with the Operations Manual under "business as usual" processes (subject to the Bow Wave Limit while it applies), for new Site Data Pack Applications. Those Site Data Pack Applications which are still in progress from the Soft Launch shall continue to be processed in accordance with the Operations Manual.</p> <p>Soft Launch ends.</p> <p>SL + 85 - Access Provider to have produced to the Commission, with a copy to all Access Seekers that have made a Request of it, a report on the delivery of the Common Format Site Database and process used to deliver the Service, and any improvements made to that process.</p> <p><i>Common Format Site Database</i></p> <p>Day Zero - Access Provider to have 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 agreement in the TCF for 60 per cent of the Access Provider's Relevant Facilities.</p> <p>Day Zero + 40 Working Days - Access Provider to have developed, and made available to all Access Seekers who have made a Request of it, its Common Format Site Database populated with the data required by the STD for 80 per cent of the Relevant Facilities Access Seekers forecast in forecasts provided to the Access Provider on Day Zero + 1 to make Site Data Pack Applications for in the first 24 months.</p> <p>Day Zero + 110 Working Days - Access Provider to have developed, and made available to all Access Seekers who have made a request of it, its Common Format Site Database populated with all of the data required by the STD for all of the Relevant Facilities Access Seekers have forecast in forecasts provided to the Access Provider on Day Zero + 1 to make Site Data Pack Applications for in the first 24 months.</p> <p>Day Zero + 125 - Access Provider to have produced to the Commission, with a copy to all Access Seekers that have made a request of it, a report on the progress of the development of the Common Format Site Database.</p> <p>Ongoing - Access Provider to update its Common Format Site Database on a business as usual basis based on Access Seeker Forecasts.</p>
6	Future Access Providers

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7 Key performance indicators (KPIs) and service levels	
Key performance indicators	<p>Clause 7.1</p> <p>The Commission has amended the Key Performance Indicators ("KPIs") that Access Providers are required to meet as part of the implementation of the Service.</p> <p>Telecom supports the KPIs chosen by the Commission, but notes that the timeframes for achieving those KPIs is unrealistic, as discussed above.</p>
Remedial actions and outcomes where the Access Provider does not meet its KPIs	<p>Sub-clauses 7.2.2 and 7.2.3</p> <p>If an Access Provider fails to meet one or more of its KPIs, sub-clause 7.2.2 allows the Commission to require the Access Provider to provide a weekly reports setting out the reasons why it has not met the relevant KPIs.</p> <p>Telecom submits that these reports will provide little value if submitted on a weekly basis because it is unlikely that anything significant affecting the expected achievement date will change within a week. Telecom proposes that these reports should be provided on a monthly basis.</p> <p>If it becomes apparent to an Access Provider that it will not achieve the KPIs, clause 7.2.3 requires the Access Provider to provide a report to the Commission, and all Access Seekers who have made a request for it, on why it will not meet those KPIs and what steps it will take to meet those KPIs.</p> <p>Telecom submits that clause 7.2.3 should come before 7.2.2 so that the reporting provisions are sequential.</p>
Mechanism for the Access Provider to report to the Commission and Access Seekers	
Bow Wave	<p>The Implementation Plan should include a mechanism through which the cumulative number of Site Data Pack Applications and Full Site Applications processed is gradually increased (Bow Wave concept) to allow Access Providers to develop and test their systems subject to a reasonable total capacity limit.</p> <p>A Bow Wave concept is required because demand for the Mobile Co-location Service is expected to be higher than normal during the implementation of the STD. Access Providers need a capacity limit on the number of Site Data Pack Applications and Full Site Applications that they are required to process while new processes and systems are established and tested. This is consistent with the purpose of the Soft Launch which is to allow Access Providers and Access Seekers to test and improve their systems and processes.</p> <p>Telecom proposes the following Bow Wave Limit to prevent a rush in demand early in the Soft Launch:</p> <ul style="list-style-type: none"> • A cumulative total of 20 Site Data Pack Applications and 10 Full Site Applications in the first calendar month. • A cumulative total of 25 Site Data Pack Applications and 15 Full Site Applications in the second calendar month. • A cumulative total of 30 Site Data Pack Applications and 20 Full Site Applications in the third calendar month. • A cumulative total of 35 Site Data Pack Applications and 25 Full Site Applications in the fourth calendar month. • A cumulative total of 40 Site Data Pack Applications and 30 Full Site Applications in the fifth calendar month. • All restrictions on the cumulative total of Site Data Pack Applications and Full Site Applications to be provided each calendar month should be removed in the sixth month. <p>These limits are realistic and allow Access Providers to quickly develop their ability to process Site Data Pack Applications and Full Site Applications in a managed way with the benefit of the Soft Launch provisions for all Access Seekers.</p>

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	<p>The prioritisation and capacity limits section of the Operations Manual should be inserted into the Implementation Plan as section 8 to implement the Bow Wave Limit. This allows Access Providers to prioritise Site Data Pack Applications and Full Site Applications that exceed the Bow Wave Limit set out above.</p> <p>Access Providers will be required to prioritise applications in accordance with the provisions of the Operations Manual if the Access Provider receives more Site Data Pack Applications or Full Site Applications than it is required to provide.</p> <p>Access Providers will be allowed to reject Site Data Pack Applications and Full Site Applications in excess of the Bow Wave Limit.</p> <p>Therefore, Telecom submits that the following section should be inserted into the Implementation Plan as clause 8:</p> <p>"Overview</p> <p>8.1 The purpose of this section 8 is to describe the Bow Wave Limit for the processing by the Access Provider of the total number of Site Data Pack Applications received from all Access Seekers, on a monthly basis for the first five months following the commencement of the Soft Launch. This section 8 also sets out a system for the prioritisation of Site Data Pack Applications in event that the Bow Wave Limit has been reached.</p> <p>Priority List</p> <p>8.2 On the Forecast Date in each month, the Access Seeker must provide to the Access Provider a list (the Priority List) which must rank, in descending order, the Access Seeker's priority for the Relevant Facilities. The Priority List will rank those Relevant Facilities for which the Access Seeker will make a Site Data Pack Application or Full Site Application in the following month. For example, the Priority List that is provided on the Forecast Date in March will relate to the Access Seeker's Site Data Pack Applications that it will submit in April.</p> <p>8.3 The Access Seeker must ensure that the Priority List is consistent with the Access Seeker's Forecasts.</p> <p>8.4 Any change to the Access Seeker's Priority List for Site Data Pack Applications or Full Site Applications will have no effect until the month after the month to which the Priority List relates (i.e. its initial unchanged Priority List will continue to be used for any prioritisation during the month).</p> <p>Bow Wave Limit</p> <p>8.5 The Access Provider may face resource constraints where the Access Provider receives, and is required to process, multiple Site Data Pack Applications from one or more Access Seekers in the same month.</p> <p>8.6 The prioritisation rules only apply during the first five months following the commencement of the Soft Launch.</p> <p>8.7 The Bow Wave Limit is:</p> <p>8.7(a) A cumulative total across all Access Seekers of 20 Site Data Pack Applications and 10 Full Site Applications in the first month following the commencement of the Soft Launch;</p> <p>8.7(b) A cumulative total across all Access Seekers of 25 Site Data Pack Applications and 15 Full Site Applications in the second month following the commencement of the Soft Launch;</p> <p>8.7(c) A cumulative total across all Access Seekers of 30 Site Data Pack Applications and 20 Full Site Applications in the third month following the commencement of the Soft Launch;</p> <p>8.7(d) A cumulative total across all Access Seekers of 35 Site Data Pack Applications and 25 Full Site Applications in the fourth month following the commencement of the Soft Launch; and</p> <p>8.7(e) A cumulative total across all Access Seekers of 40 Site Data Pack Applications and 30 Full Site Applications in the fifth month following the commencement of the Soft Launch.</p> <p>(the Bow Wave Limit)</p>

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	<p>Prioritisation: "first come, first served"</p> <p>8.8 In the event that the Mobile Co-location Forecasts received in one Quarter by the Access Provider from all of the Access Seekers inform the Access Provider that the number of Site Data Pack Applications or Full Site Applications due to be received by the Access Provider in any month is greater than the Bow Wave Limit for that month, then the Access Provider will use the following prioritisation methodology:</p> <p>8.8(a) in each month, the Bow Wave Limit will be distributed evenly across all Access Seekers who provided to the Access Provider a Mobile Co-location Forecast and a Priority List in accordance with the Mobile Co-location Terms;</p> <p>8.8(b) on or before the last Working Day in each calendar month, the Access Provider will notify each Access Seeker of the number of Site Data Pack Applications and Full Site Applications that it will process in the following month (within the Bow Wave Limit) for that Access Seeker (the Bow Wave Number); and</p> <p>8.8(c) only the Site Data Pack Applications and Full Site Applications that are ranked on the Access Seeker's Priority List, down to and including the Bow Wave Number for the Access Seeker, will be processed by the Access Provider in the following month.</p> <p>For example, if two Access Seekers each provide to the Access Provider a Mobile Co-location Forecast that ranks 30 Relevant Facilities such that each Access Seeker will submit 30 Site Data Pack Applications in the first month, then the 10 Relevant Facilities that are the highest ranked in each of the Access Seeker's Priority Lists will be processed by the Access Provider in the following month (on a "first come, first served" basis).</p> <p>8.9 Subject to the limits in clause 8.8, Site Data Pack Applications and Full Site Applications will be processed by the Access Provider on a "first come, first served" basis.</p> <p>8.10 Where the number of Site Data Pack Applications or Full Site Applications received by the Access Provider exceeds the Bow Wave Limit, the Access Provider will reject those Site Data Pack Applications in excess of the Bow Wave Limit.</p> <p>Disputes</p> <p>8.11 In the event that the Access Seeker disputes the Access Provider's application of the prioritisation methodology, it may follow the Dispute resolution procedure under section 39 of the Mobile Co-location General Terms. Any Dispute in relation to prioritisation is of a technical, operational or implementation nature must be resolved by expert determination in the event of a Deadlock."</p>