



COMMERCE COMMISSION

Please refer to:

J11128

978286_1

8 March 2010

Hon. Steven Joyce
Minister for Communications and Information Technology
Parliament Buildings
Wellington

Dear Minister

Clarification of Recommendation in Final Report on Schedule 3 Investigation into whether or not mobile termination access services should become regulated services

Thank you for your letter of 8 March 2010 regarding the Commerce Commission's ("**the Commission**") Final Report on its investigation under Schedule 3 of the Telecommunications Act 2001 ("**the Act**") into whether or not mobile termination access services should become regulated services under Schedule 1 of the Act ("**the Final Report**").

You have requested, under Clause 5A of Schedule 3 of the Act, that I:

“clarify, on behalf of the Commission, that the Commission’s recommendation in its final report is that the undertakings put forward by Telecom and Vodafone during the Commission’s process should be accepted?”

For the avoidance of doubt, on behalf of the Commission, I clarify that the Commission’s recommendation in its Final Report is that the undertakings put forward by Telecom and Vodafone¹ during the Commission’s process should be accepted under Schedule 3A of the Act, as an alternative to the proposed regulatory change² assessed in the Commission’s Final Report.

Yours sincerely

Dr Ross Patterson
Telecommunications Commissioner

¹ Being Telecom’s Undertaking of 11 February 2010 and Vodafone’s Undertaking of 16 February 2010, collectively referred to in the Commission’s Final Report as the Final Undertakings.

² As set out in paragraph 366 of the Commission’s Final Report.