
Undertaking in favour of the Commerce Commission under Schedule 3A of the Telecommunications Act 2001

Telecom New Zealand Limited (Telecom)

Commerce Commission (Commission)

Date:

Date:

PARTIES

Telecom New Zealand Limited (*Telecom*)

in favour of:

Commerce Commission being a Crown entity established by section 8 of the Commerce Act 1986 (the *Commission*)

BACKGROUND

- A The Commission has decided to commence an investigation under Schedule 3 of the Telecommunications Act 2001 (the *Act*) into whether certain mobile termination access services should become designated or specified services under Schedule 1 of the Act.
- B Telecom gives this undertaking pursuant to Schedule 3A of the Act.

BY THIS UNDERTAKING Telecom declares as follows:

1 Interpretation

Unless the context indicates otherwise, the following terms have the following meaning in this undertaking:

- 1.1 *Access Seeker* means the service provider who provides a properly completed and executed Deed of Acceptance in the form set out in Appendix B of Annexure 1;
- 1.2 *Annexure 1* means Annexure 1 (comprising the Mobile Termination Terms) of this undertaking;
- 1.3 *undertaking* means this undertaking given pursuant to Schedule 3A of the Act, and includes Annexure 1, which shall be read as and form part of this undertaking.

2 [Withdrawal of previous undertakings](#)

[Telecom withdraws all previous undertakings under Schedule 3A of the Act given by Telecom in relation to the investigation referred to in Background A.](#)

3 Period this undertaking is in effect

- 3.1 This undertaking takes legal effect immediately after it is registered by the Commission under clause 6 of Schedule 3A of the Act and continues until its expiry in accordance with the Act.

- 3.2 For the avoidance of doubt, until acceptance of this undertaking by the Commission in accordance with clause 3 of Schedule 3A of the Act, this undertaking is an offer only and is capable of withdrawal by Telecom.
- 3.3 Telecom reserves the right to withdraw this undertaking before the acceptance of the undertaking by the Commission.

4 **Terms and conditions**

Telecom undertakes to the Commission that, during the period that this undertaking has legal effect, it will provide to all Access Seekers the Services (as set out in Schedule 3 of Annexure 1) at the prices and on the terms and conditions and within the time periods specified in Annexure 1.

5 **Notices**

Any communication to Telecom in respect of this undertaking should be made in writing to:

Attention: Group General Counsel

Address: Telecom New Zealand Limited
Level 15, Telecom House
8 Hereford Street
Auckland

Facsimile: 09 358 0798

Signed by **Tristan Murray Gilbertson** as authorised signatory
for **Telecom New Zealand Limited**:

in the presence of:

Name:

Occupation:

Address: