



**TELECOMMUNICATIONS USERS ASSOCIATION OF  
NEW ZEALAND INC**

**P O Box 33 1014, Takapuna, Auckland**

20 May 2005

Mr Douglas Webb  
Telecommunications Commissioner  
Commerce Commission  
P O Box 2351  
**WELLINGTON**

Dear Commissioner Webb

**DRAFT DETERMINATION ON TELSTRACLEAR "BITSTREAM ACCESS"**

TUANZ welcomes the Commission's Draft Determination dated 21 April 2005. We believe this will be a significant positive step in the development of competitive broadband services and a vast improvement on the commercial "UBS" service that Telecom has offered unilaterally up until now.

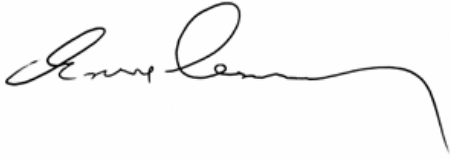
As a user group focused on outcomes for our members our ability to comment in detail on the Commission's Questions is limited. However we do wish to indicate our strong support, and to urge the Commission to ensure that the Draft does not become diluted. In particular TUANZ applauds the following characteristics of the Draft and urges the Commission to ensure that they remain intact or are strengthened:

- The service applies nationwide without any zones being excluded – this will greatly improve understandability for users
- There are well-defined KPIs for Telecom to report to the Commission against, which will ensure objective monitoring and reporting
- The service provider can control the speeds offered to the user to the maximum extent technically feasible

Unfortunately, Telecom's track record with the rollout of its commercial UBS service has adversely affected the confidence of ISPs to invest. It is crucial that ISPs have the confidence to develop their bitstream services in the certain expectation that Telecom will deliver the service in a timely, full and cooperative manner.

Again we reiterate our support for the Draft and look forward to its becoming a Determination for the benefit of our members.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ernie Newman", with a long, sweeping horizontal stroke extending to the right and ending in a small hook.

Ernie Newman  
Chief Executive