

COMMERCE COMMISSION

Please refer to:

2.6/J7710  
468140-1

3 May 2006

Michael Wigley  
Principal  
Wigley & Associates  
PO Box 10 842  
Wellington

Vanessa Oakley  
Senior Counsel  
Telecom New Zealand Limited  
PO Box 570  
Wellington

cc. David Diprose, Ihug  
Graham Walmsley, Callplus

Dear Michael and Vanessa

**Ihug & Callplus Bitstream Applications  
Cross submission date extended to 9 May 2006**

1. On 28 April 2006, Michael Wigley, representing Ihug and Callplus, sought an extension to the cross submission date from 1 May to 8 May 2006.<sup>1</sup> This was followed up with a letter providing written reasons for that request.<sup>2</sup> Telecom responded to that request with its views on the proposed request on 28 April and 1 May.<sup>3</sup> Due to the impending expiry of the deadline, the Commission advised the parties by email that it would extend the due date for cross submission date to 9 May 2006, and provide written reasons for its decision in due course.<sup>4</sup> This letter sets out the reasons why the Commission has agreed to provide an extension for delivery of cross submissions.
2. I am disappointed that Ihug and Callplus did not avail themselves at the earliest opportunity to request an extension for cross submissions. While the Commission is satisfied that the granting of an extension does not prejudice Telecom's right to cross submit, the Commission is cognisant of the inconvenience that arises from a late notice requesting extension.

---

<sup>1</sup> Email from Wigley & Company (Wigley) to the Commission (Abbott), copied to Telecom (Oakley), *Ihug and CallPlus – Telecom*, 28 April 2006


<sup>2</sup> Letter from Wigley & Company (Wigley) to the Commission (Abbott), *Ihug and CallPlus UBS Application*, 1 May 2006.

<sup>3</sup> Emails from Telecom (Oakley) to the Commission (Abbott), copied to Wigley & Company (Wigley), *Ihug and CallPlus – Telecom*, (i) 28 April 2006 & (ii) 1 May 2006.

<sup>4</sup> Email from Commission (Abbott) to Wigley & Company (Wigley) and Telecom (Oakley), *Ihug & CallPlus Bitstream Application*, 1 May 2006.

3. The purpose of submissions and cross submissions is to inform the Commission on matters which are the subject of the application. This enables the Commission to fully consider the positions of the parties to the application thereby enabling the Commission to make fully informed decisions.
4. Further, at this time, the Commission's preliminary view is that it is not necessary to issue a draft determination prior to issuing a determination under section 27 of the Telecommunications Act 2001. A proper consultative process will occur in accordance with the Act without releasing a draft determination in relation to the matter.
5. In that context, the Commission was also mindful that extending the deadline for cross-submissions would also enable Ihug and CallPlus to make complete cross-submissions on the key issues arising in relation to the application and that it was important that these parties receive an opportunity to do so given the Commission's preliminary position that a draft determination will not be released. The receipt of complete cross submissions from Ihug and Callplus will assist the Commission to fully consider all issues arising in relation to the matter.
6. After the receipt of cross-submissions from the parties, the Commission will make a final decision on whether a draft determination and submissions from the parties on the draft is necessary in the context of this particular proceeding.

Yours sincerely



Osmond Borthwick  
Manager  
Network Access