



COMMERCE COMMISSION

Review of the Standard Terms Determination for the designated service Telecom's unbundled bitstream access backhaul

DECISION NO. XXX

Draft Review Decision under section 30R of the Telecommunications Act 2001 of Decision 627

The Commission:

Dr Ross Patterson
Anita Mazzoleni
Gowan Pickering
Pat Duignan

Date of Review Decision:

XXX

Background

1. On 27 June 2008, the Commerce Commission (the **Commission**) issued a standard terms determination (**STD**) under section 30M of the Telecommunications Act 2001 (the **Act**) in respect of the designated access service of Telecom's unbundled bitstream access backhaul (**UBA Backhaul Service**).¹
2. The UBA Backhaul Service (as set out in Part 2 of Schedule 1 of the Telecommunications Act 2001) provides that competition conditions must be applied to the UBA Backhaul Service three years from the date on which the Telecommunications Amendment Act (No 2) 2006 receives the Royal assent, i.e. 22 December 2009.
3. This is the first competition assessment conducted on the UBA Backhaul Service, and the conditions set out in sub clause (b) for this Service require the Commission to apply the following conditions:

either—

 - (i) Telecom faces limited, or is likely to face lessened, competition in a market for transmission capacity between Telecom's first data switch (or equivalent facility) and the access seeker's nearest available point of interconnection; or
 - (ii) Telecom does not face limited, or is not likely to face lessened, competition in a market for transmission capacity between Telecom's first data switch (or equivalent facility) and the access seeker's nearest available point of interconnection, and the Commission has decided to require Telecom's unbundled bitstream access backhaul to be wholesaled in that market.
4. On 30 March 2010² the Commission wrote to interested parties asking whether it was appropriate for the Commission to follow the same general approach for the UBA Backhaul competition assessment as that adopted for UCLL Backhaul.³ The Commission indicated that its preliminary view was:⁴

“that the UCLL Backhaul and the UBA Backhaul Services are sufficiently similar to justify taking the same approach with respect to market definition and competition assessment.”
5. In the 30 March 2010 letter, the Commission also asked parties to comment on any issues that they considered the Commission should take into account in reviewing the approach to the market definition and competition review for the UBA Backhaul Service.

¹ Commerce Commission, *Standard Terms Determination for the designated service Telecom's unbundled bitstream access backhaul*, 27 June 2008 (**UBA Backhaul STD**).

² Commerce Commission, *Unbundled Copper Local Loop Backhaul and Unbundled Bitstream Access Backhaul Standard Terms Determinations – Consultation over the market definition and competition assessment*, 30 March 2010 (the **30 March 2010 letter**).

³ For the UCLL Backhaul Service the competition assessment framework was originally set out in Commerce Commission, *Standard Terms Determination for the designated service Telecom's unbundled copper local loop network backhaul (telephone exchange to interconnect point)*, 27 June 2008 (**UCLL Backhaul STD**). This competition assessment framework has subsequently been modified in two s30R reviews of the UCLL Backhaul STD: Commerce Commission, *Review of the Standard Terms Determination for the designated service Telecom's unbundled copper local loop network backhaul (telephone exchange to interconnection point)*, 30 April 2009 (**Decision 667**), and Commerce Commission, *Review of the Standard Terms Determination for the designated service Telecom's unbundled copper local loop network backhaul (telephone exchange to interconnection point)*, 3 December 2009 (**Decision 686**), and is proposed for further

⁴ 30 March 2010 letter, page 6, para 37.

6. Parties who responded to the Commission's 30 March 2010 letter considered that it is appropriate that the Commission use the same framework for the UBA Backhaul competition assessment as has been applied in the UCLL Backhaul competition assessment.⁵

Commencement and scope of the review

7. On 2 June 2010, the Commission gave public notice⁶ of its decision to commence a review (this **Review**) of the UBA Backhaul STD under section 30R of the Act. The scope of the review, as notified, was confined to assessing on which parts of Telecom's network that Telecom must supply the Unbundled Bitstream Access Backhaul Service in response to a request of an access seeker. The Gazette notice officially launched the Review.
8. On 2 June 2010,⁷ the Commission also requested that parties provide specific information as to whether or not Telecom faced limited, or was likely to face lessened, competition in a market for transmission capacity between Telecom's first data switch (or equivalent facility) and the access seeker's nearest available point of interconnection in relation to the UBA Backhaul Links assessed under this Review.⁸
9. Because UBA Backhaul Primary Links⁹ largely follow the network topography of the comparable UCLL Backhaul Primary Links, the Commission's preliminary view (as set out in the 2 June 2010 letter) was that where a UCLL Backhaul Link is considered to be one in which Telecom does not face limited, or is not likely to face lessened, competition, the corresponding UBA Backhaul link is also likely to be classified on the same basis, and vice versa.¹⁰ The Commission remains of this view for the purposes of this Review.
10. Information¹¹ was received from Telecom (Group), Telecom (Chorus), Vodafone, TelstraClear, FX Networks, Vector Communications, Network Tasman, Alpine Energy, CountiesPower, NorthPower and Enable Networks. This information has informed the Commission's views in this Decision.¹² Where the information provided included public versions, it is available on the Commission website.¹³
11. The Commission also contacted the following organisations, but received no information from them: CityLink, Orcon, Smartlinx3, Velocity Networks, Aurora Energy, Eastland Group, Electra, Electricity Ashburton, PowerNet, Unison and Waipa Networks.

⁵ Responses to the 30 March 2010 letter are available on the Commission's website at <http://www.comcom.govt.nz/competition-reviews-for-uba-backhaul-and-ucll-backhaul-services/>.

⁶ New Zealand Gazette No.61, 3 June 2010, 1787.

⁷ Commerce Commission, *Unbundled Copper Local Loop Backhaul (UCLL Backhaul) and Unbundled Bitstream Access Backhaul (UBA Backhaul) Standard Terms Determinations (STD) – request for information for review of links subject to the UCLL Backhaul and UBA Backhaul STDs under section 30R of the Telecommunications Act 2001*, 2 June 2010 (the **2 June 2010 letter**).

⁸ Presently, all UBA Backhaul links are subject to regulation, as the competition condition have not yet been applied to the UBA Backhaul links.

⁹ A Primary Link is a link between a FDS and its Parent POI.

¹⁰ The Commission notes that evidence of any technical differences between the services, for example, where the location of the handover points in the local exchange for the UCLL Backhaul Service differs to the location of the First Data Switch Handover Points for the UBA Service, that leads to different costs for each service, then those differences can be taken into account in the competition assessment, as discussed in paragraphs 17 to 22.

¹¹ In some cases information responses were focussed on UCLL Backhaul links, rather than UBA Backhaul links. The Commission has however taken that information into account in assessing UBA Backhaul links, for the reasons set out in paragraph 9.

¹² The Commission also consulted the National Broadband Map (<http://www.broadbandmap.govt.nz/map>) to inform itself of potential market competitors.

¹³ <http://www.comcom.govt.nz/competition-reviews-for-uba-backhaul-and-ucll-backhaul-services/>

Assessment Framework

12. The Commission also stated in the 2 June 2010 letter that, when assessing competition in the UBA Backhaul market, it will apply the framework used for assessing competition in the UCLL Backhaul competition review (the **UCLL Backhaul Review**).
13. In this Review the Commission has applied the framework as set in the revised draft UCLL Backhaul Decision Document,¹⁴ as summarised in paragraph 25 below. The framework takes into account submissions on the draft UCLL Review and the Commissions responses to those submissions, contained in the revised draft UCLL Backhaul Review.

The Commission's Decision

Market definition

14. The Commission's preliminary view is that it is appropriate to define separate wholesale markets for transmission capacity on each Primary Link and Secondary Link¹⁵ of the UBA Backhaul Service. This market definition is consistent with the approach taken in the UCLL Backhaul STD.¹⁶ The Commission considers that a consistent approach is appropriate as routes over which the backhaul services are provided are similar and the competitive dynamics in each backhaul market are likely to be similar.
15. Therefore, the relevant markets for the provision of the UBA Backhaul Service are:
- the wholesale markets for transmission capacity on each Primary Link of the UBA Backhaul Service; and
 - the wholesale markets for transmission capacity on each Secondary Link of the UBA Backhaul Service.

Competition assessment

16. In undertaking this Review, the Commission has applied the conditions set out in sub clause (b) of the UBA Backhaul Service on the basis outlined in this section.
17. In relation to the competition assessment, the Commission's preliminary view is the UCLL Backhaul framework should be applied, subject to any technical differences between the UBA Backhaul Service and the UCLL Backhaul Service, where there is evidence that this affects the competitive status of UBA Backhaul Links. The technical differences between the two services include:¹⁷
- the initial First Data Switch (**FDS**) Handover Point is on the access seekers' side of the FDS for the UBA Backhaul Service and on the access seekers' side of the optical fibre distribution frame in the Local Exchange for the UCLL Backhaul Service;
 - the Unbundled Bitstream Access and UBA Backhaul Services are provided solely on Telecom's equipment, through to the ASNAPOI Handover Point, whereas the UCLL, UCLL Co-location and UCLL Backhaul Services provide for access seeker's equipment to be utilised as part of the end-to-end delivery of the Services;

¹⁴ Commerce Commission, *Revised Review of the Standard Terms Determination for the designated service Telecom's unbundled copper local loop network backhaul (telephone exchange to interconnection point)*, XX September 2010.

¹⁵ A Secondary Link is the part of the UBA Backhaul service between the Parent point of interconnection (POI) and the access seekers nearest available POI (ASNAPOI).

¹⁶ UCLL Backhaul STD, pages 26 – 33, paras 73 – 114.

¹⁷ The first three of these technical differences were identified in the 30 March 2010 letter at page 6, para 34.

- the presence of an additional data switch in the ASNAPOI for the UBA Backhaul Service; and
 - while currently all UBA Backhaul Primary Links follow the same network topography from the exchange that the comparable UCLL Backhaul Primary Link follows, it is possible that some future UBA Backhaul Primary Links will not follow the same network topography ie the Parent POI could be different for some UBA Backhaul Links.
18. The Commission's preliminary view is that the first three technical differences listed above between the UBA Backhaul Service and the UCLL Backhaul Services are not material to the assessment of competition in relation to the UBA Backhaul Service.
19. In relation to the fourth bullet point above, the Commission is of the preliminary view that where a UBA Backhaul Link follows the same network topography as a comparable UCLL Backhaul Link and the UCLL Backhaul Link is considered to be competitive,¹⁸ then the UBA Backhaul Link should also be considered to be competitive (subject to the absence of any other competition factor particular to that link which would change the outcome of the competition assessment or other demonstrated cost differences, as discussed in paragraphs 21 and 22 below).
20. If, in the future, a UBA Backhaul Primary Link does not follow the same network topography as a UCLL Backhaul Primary Link from the same exchange, then the Commission will need to reassess whether the UBA Backhaul Primary Link is competitive or not.
21. The provision of a competitive commercial backhaul service requires either:
- a Handover Link from the FDS in Telecom's exchange that connects, outside the exchange, to a competitive backhaul provider's network; or
 - a commercially agreed arrangement for the handover to occur within Telecom's exchange, where a competitive backhaul provider has equipment co-located within Telecom's exchange.
22. To the extent that there are additional costs, associated in provisioning a competitive commercial backhaul service, in comparison with a regulated service, the Commission's preliminary view is that those costs may impact on whether or not Telecom faces limited competition on a Primary Link or Secondary Link, notwithstanding the presence of another wholesale-only backhaul provider.¹⁹ The Commission considers that evidence must be provided of any such additional costs and why those costs mean an operator, who would otherwise be considered to be a near entrant,²⁰ does not exert a competitive constraint on Telecom over a Primary Link or Secondary Link.
23. Consistent with the approach taken in the UCLL Backhaul review, the Commission considers that any operator within 1-2km of a Telecom exchange is a competitive constraint on Telecom

¹⁸ That is, Telecom does not face limited, or is unlikely to face lessened, competition in the relevant markets.

¹⁹ The Commission has to date concluded in the competition assessment in the UCLL Backhaul STD and UCLL Backhaul s30R competition reviews that where there is only Telecom and a vertically integrated competitor present on a link, then Telecom faces limited competition. In this Review, the Commission's preliminary view is that the same conclusion applies in relation to the UBA Backhaul competition assessment.

²⁰ A near entrant for the purposes of UBA Backhaul includes an alternate backhaul provider for the UCLL Backhaul service, or any other backhaul service, that is not providing an alternate UBA Backhaul service. A near entrant will be a competitive constraint where they meet the criteria in paragraph 25.

unless it has **publicly stated** that it does not intend to connect to the exchange. This recognises that an operator who is close enough to an exchange to connect would be perceived by Telecom to be a competitive constraint and would likely affect the competitive dynamics of that market. A public statement that an operator does not intend to connect to an exchange removes this constraint, but a confidential statement provided to the Commission would not. In the absence of such public evidence, the Commission considers that Telecom does not face limited competition on Primary Links or Secondary Links where one or more, wholesale-only backhaul providers are considered to exert a competitive constraint in Telecom.

24. In the consultation question outlined in paragraph 46, the Commission is seeking feedback on the extent to which there are such additional costs and the impact that any such additional costs should have on the Commission's competition assessment framework.
25. Other than the matters discussed in paragraphs 20 and 22 above, the Commission remains of the preliminary view that it is appropriate to use the competition assessment framework applied in the revised draft UCLL Backhaul Decision Document²¹ to assess competition in this UBA Backhaul Review. The assessment framework used by the Commission to assess competition on UBA Backhaul Links is as follows:
- Telecom does not face limited competition on Primary Links or Secondary Links where there is one, or more, wholesale-only backhaul providers;
 - for Primary Links or Secondary Links where there is only Telecom or Telecom and one vertically-integrated competitor, the Commission considers that Telecom faces limited competition;
 - where a nearby fibre-based network is within 1km-2 km of a Telecom exchange, the network is considered a competitive constraint unless:
 - the operator has publicly stated that there is no intention now or in the near future, to offer services to, or from, that local exchange; or
 - the Commission considers that additional information provided by a fibre-based network about a specific link should be taken into consideration on a case-by-case basis; and
 - for those markets found to be markets in which Telecom does not face limited competition, Telecom is not likely to face lessened competition.

Primary Links

26. As this is the first application of the competition assessment framework in relation to UBA Backhaul Primary Links, information was sought in relation to Primary Links from exchanges where a FDS has been deployed – the starting point of the UBA Backhaul Service – to the Parent POI for those exchanges.
27. Few UBA Backhaul Primary Links are located in metropolitan areas, as the UBA Service in metropolitan areas is generally delivered from FDSs located in POIs. UBA Backhaul Primary Links only exist where Telecom (Wholesale) has deployed a FDS deeper into its network than a POI.
28. As discussed in paragraphs 19 and 25 above, where a UCLL Backhaul link has been assessed by the Commission, and the equivalent Backhaul Link is available for UBA Backhaul, the competition status attributed to the link in the UCLL Backhaul Review has been applied to

²¹ Commerce Commission, *Revised Review of the Standard Terms Determination for the designated service Telecom's unbundled copper local loop network backhaul (telephone exchange to interconnection point)*, XX September 2010.

both Backhaul Links (in the absence of any evidence of cost differences, as discussed in paragraph 22).²²

29. Following the gathering and analysis of data submitted in response to this Review, the Commission received no information that indicated Telecom faced a competitive constraint in the supply of the UBA Backhaul Service along the links listed below. The Commission's preliminary view is that Telecom faces limited competition on these UBA Backhaul Primary Links and, as a result, the regulated UBA Backhaul Service is available on these links and are therefore subject to the terms and conditions of the UBA Backhaul STD. These links are displayed below in Table 1:

Table 1 – UBA Backhaul Primary Links that are subject to limited competition

Parent POI Site	FDS	Parent POI Site	FDS
Whangarei	Dargaville	Christchurch	Ashburton
Kerikeri	Kaitaia	Christchurch	Kaikoura
Torbay	Warkworth	Christchurch	Little River
Torbay	Wellsford	Riccarton	Darfield
Howick	Waiheke	Riccarton	Rangiora
Hamilton	Coromandel	Riccarton	Rolleston
Hamilton	Matamata	Timaru	Kurow
Hamilton	Tairua	Timaru	Oamaru
Hamilton	Te Kauwhata	Dunedin	Balclutha
Hamilton	Te Kuiti	Dunedin	Palmerston
Hamilton	Thames	Cromwell	Alexandra
Tauranga	Whakatane	Cromwell	Queenstown
Tauranga	Mt Maunganui	Cromwell	Ranfurly
Napier	Gisborne	Cromwell	Roxburgh
Napier	Waipukurau	Cromwell	Twizel
New Plymouth	Hawera	Cromwell	Wanaka
Palmerston North	Ohakune	Invercargill	Gore
Palmerston North	Wanganui	Invercargill	Lumsden
Greymouth	Westport	Invercargill	Te Anau
Greymouth	Hokitika	Invercargill	Tuatapere

30. The Commission's preliminary view is that Telecom does not face limited, or is unlikely to face lessened, competition on the following fourteen UBA Backhaul Primary Links and as a result, the regulated UBA Backhaul Service is not available on these links. These links are displayed below in Table 2

²² Where this occurs, the link is identified in Tables 1 and 2 with **Bold** typeface.

Table 2 - UBA Backhaul Primary Links that are not subject to limited competition

Parent POI Site	Local Exchange	Parent POI Site	Local Exchange
Red Beach	Torbay	Porirua	Paraparaumu
Auckland Central	Airedale Street	Naenae	Featherston
Hamilton	Turangi	Naenae	Masterton
Rotorua	Taupo	Naenae	Upper Hutt
Napier	Dannevirke	Wellington	Blenheim
Napier	Hastings	Nelson	Motueka
Palmerston North	Pahiatua	Christchurch	Culverdon

Secondary Links

31. In this Review, the Commission has applied the Framework above in relation to the competition assessment to all UBA Backhaul Secondary Links.
32. The Commission's preliminary view is that Telecom does not face limited, or is unlikely to face lessened, competition on 23 UBA Backhaul Secondary Links. As a result, the regulated UBA Backhaul Service will not be available on these links.
33. The Commission received no information that indicated Telecom faced a competitive constraint in the supply of the UBA Backhaul Service along the remaining 15 UBA Backhaul Secondary Links. The Commission's preliminary view is that Telecom faces limited competition on these UBA Backhaul Secondary Links and the regulated UBA Backhaul Service should remain available on these links.
34. Appendix 1 of this Decision Document outlines all modifications to the UBA Backhaul STD that are required as a result of this Review. The new Appendix B to Schedule 5 – UBA Backhaul POI Site Related Information of the UBA STD lists all links that are required to be provided under the UBA Backhaul STD.²³

Frequency of future reviews of the UBA Backhaul competition assessment

35. In its letter of 30 March 2010, the Commission asked interested parties to comment on whether the Commission should, in addition to conducting a review of all links annually, undertake competition reviews on a link-by-link basis (in response to requests from interested parties, or on its own initiative) of whether Telecom faces limited competition on a particular link, in light of competitive developments. All submissions on this issue favoured an approach whereby additional reviews could occur on a link-by-link basis, in addition to the annual review.
36. The Commission's preliminary view is that it is appropriate for a review of all UBA Backhaul Links to be conducted annually taking into account competition developments, and for this review to be supplemented where necessary by competition reviews on a link-by-link basis (either in response to requests from interested parties, or on the Commission's own initiative).

²³ In the diagrams in Appendix B to Schedule 5 of the UBA Backhaul General Terms, Secondary Links where the Commission has assessed that Telecom is subject to limited competition are labelled as "Mandated available under the UBA Backhaul Service". Secondary Links where the Commission has assessed that Telecom is not subject to limited competition, and or is unlikely to face lessened competition, as "Mandated not available under the UBA Backhaul Service".

37. Further, the Commission's preliminary view is that the similarities between the UBA Backhaul Review and the UCLL Backhaul Review means that, in the future, a combined review process should be undertaken for both the UBA Backhaul and the UCLL Backhaul reviews.

Deployment of new FDS' in Telecom's network

38. The Commission notes that new UBA Backhaul links that are created by the deployment of a new FDS, or the alteration of the location of a current FDS, will need to be allocated a competition status.

39. The Commission notes that section 14.1.5 of Schedule 4 of the UBA Backhaul STD states:²⁴

“Telecom will provide all Access Seekers and the Commission with 12 months notice (or less by agreement with Access Seekers affected by the change), of any increase in the geographic availability or coverage of the UBA Backhaul Service.”

40. For all newly created UBA Backhaul links, the Commission will consider on a case by case basis whether Telecom faces limited, or is likely to face lessened, competition. The UBA Backhaul STD will not apply to these new links until this assessment has been made.

Additional amendments to UBA STD Schedules to give effect to the application of the competition condition following this Review

41. As a consequence of applying the competition conditions outlined in Schedule 1, Part 2 of the Act, amendments to the UBA Backhaul STD Schedules are required. These changes are summarised in this section. The changes to Schedule 4 and Schedule 5 are addressed in detail in Appendix 1 and the changes to Schedule 1 – UBA Backhaul Service Description are outlined in Appendix 2 which replicates the UBA Backhaul Service Description with all changes tracked.

42. Schedule 1 – UBA Backhaul Service Description requires the addition of:²⁵

- background on the market analysis (after clause 1.2);
- a definition of the term *Conditions* (after clause 1.3);
- an outline of the conditions on which the UBA Backhaul Service is available (after clause 2.2); and
- a new Appendix C that provides examples explaining the availability of the UBA Backhaul Service.

43. Schedule 4 – UBA Backhaul Operations Manual requires the addition of provisions relating to the availability of the UBA Backhaul Service in the event the geographic availability or coverage of the UBA Backhaul Service increases before the routes are made available to an Access Seeker (added to clause 14.1.5).

44. Schedule 5 – UBA Backhaul POI Site Related Information requires the:

- replacement of clause 1.1 to reflect the addition of Appendix B – Links where the UBA Backhaul Service is available; and
- the addition of Appendix B – Links where the UBA Backhaul Service is available.

²⁴ UBA Backhaul STD, 27 June 2008, page 24, section 14.1.5.

²⁵ Other minor consequential changes have also been made to Schedule 1.

Conclusions of the Review

45. As a result of the Commission's decisions on the issues set out above, the Commission's preliminary conclusions are:
- a. it is appropriate to apply the assessment framework used in the revised draft UCLL Backhaul Review, to the UBA Backhaul Review, as set out in paragraph 25 of this draft Review Determination;
 - b. the Commission intends to complete a review of all UBA Backhaul Links annually, in a combination with the review of UCLL Backhaul Links, taking into account competition developments, with the annual review being supplemented by competition reviews on a link-by-link basis (either in response to requests from interested parties, or on the Commission's own initiative) as set out in paragraph 36 of this draft Review Decision;
 - c. Telecom faces limited competition on a total of 40 UBA Backhaul Primary Links and the regulated UBA Backhaul Service should be available on all of these links, as set out in paragraph 29 of this draft Review Decision;
 - d. Telecom does not face limited competition on a total of 14 UBA Backhaul Primary Links and the regulated UBA Backhaul Service should not be available on these links, as set out in paragraph 30 of this draft Review Determination;
 - e. Telecom does not face limited competition on 23 UBA Backhaul Secondary Links and the regulated UBA Backhaul Service should not be available on all 23 of these links, as set out in paragraph 32 of this draft Review Determination;
 - f. Telecom faces limited competition on 15 UBA Backhaul Secondary Links and the regulated UBA Backhaul Service should be available on all 15 of these links, as set out in paragraph 32 of this draft Review Decision; and
 - g. Appendix 1 and Appendix 2 outline the amendments that are required to the UBA Backhaul STD Schedules as a consequence of applying the competition conditions for the first time as summarised in paragraphs 41 to 44 of this draft Review Decision.

Consultation questions:

46. Submissions are invited on the Commission's preliminary conclusions in paragraph 45 of the Draft Review Decision. In particular, interested parties are requested to submit on whether they consider:
- there are additional costs associated with provisioning a competitive backhaul service and the impact any such costs should have on the Commission's competition assessment framework as discussed in paragraphs 21 to 22 of this draft Review Decision;
 - that it remains appropriate to apply the assessment framework used in the revised UCLL Backhaul Review to the UBA Backhaul Review as discussed in paragraph 25 of this draft Review Decision;
 - the Commission's classification of any UBA Backhaul Links discussed in paragraphs 29 to 33 of this draft Review Decision is incorrect. Parties should provide evidence to support the reclassification of any such links;
 - that it is appropriate, in the future, for the Commission to undertake a combined

- review of UBA Backhaul and UCLL Backhaul links; and
- any additional changes are necessary to the Schedules of the UBA Backhaul STD as discussed in paragraphs 41 to 44 and Appendix 1 and 2 of this draft Review Decision.

DATED at Wellington this XXXX

Dr Ross Patterson
Telecommunications Commissioner
Commerce Commission

DRAFT

Appendix 1 – Amendments to the Schedules UBA Backhaul General Terms

1. The following amendments are required to the UBA Backhaul Standard Terms Determination and the Schedules to the UBA Backhaul General Terms as a consequence of applying the competition “conditions” as set out in subclause (b) of the UBA Backhaul Service²⁶ for the first time.

Schedule 1 to the UBA Backhaul General Terms – UBA Backhaul Service Description

2. The amendments that are required to the UBA Backhaul Service Description as a consequence of this Section 30R Decision are set out in the attached copy of the UBA Backhaul Service Description. The amendments are highlighted with tracked changes.

Schedule 4 to the UBA Backhaul General Terms – UBA Backhaul Operations Manual

3. The following text is added to the end of clause 14.1.5 of the UBA Backhaul Operations Manual:

Where there is an increase in geographic availability or coverage of the UBA Backhaul Services, the routes corresponding to new POIs or FDSs will not be available to the Access Seeker unless the Commission has determined that the Conditions apply in the relevant markets for transmission capacity.

4. The following term is added to Appendix A of the UBA Backhaul Operations Manual – Glossary:

Conditions means the Conditions as described in the UBA Backhaul Service Description

Schedule 5 to the UBA Backhaul General Terms – UBA Backhaul POI Site Related Information

5. The following clause 1.1 replaces clause 1.1 of Schedule 5 to the UBA Backhaul General Terms:

1.1 This schedule is part of the UBA Backhaul Terms, which set out the rights and obligations of Telecom and Access Seekers in relation to Telecom’s unbundled bitstream access backhaul service (**UBA Backhaul Service**). It sets out to the extent necessary:

1.1.1 A list of POI Sites for interconnection to the UBA Backhaul Service – Appendix A;

1.1.2 Lists of the radial distances for Primary Links and Secondary Links, between Parent POI Sites and associated FDSs, and between POI Sites – Appendix A; and

²⁶ The UBA Backhaul Service is a designated access service that is set out in Part 2 of Schedule 1 of the Telecommunications Act 2001.

1.1.3 Details of the Primary Links and Secondary Links where the UCLL Backhaul Service is available –Appendix B.

6. The following new Appendix B is added to Schedule 5 to the UBA Backhaul General Terms:

Appendix B – Links where the UBA Backhaul Service is available

Primary Links

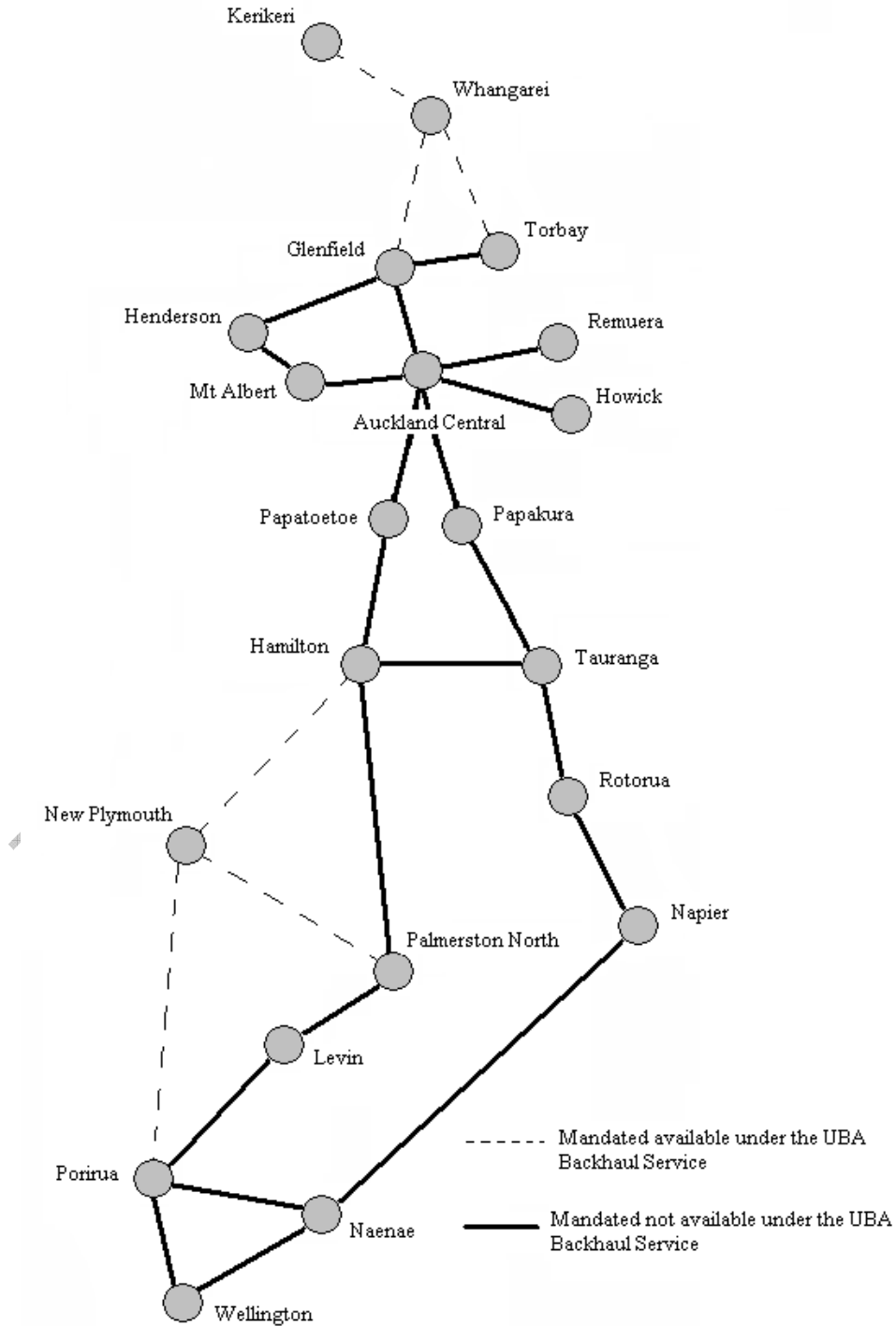
Subject to the terms of the UBA Backhaul Service Description, the table below shows the Primary Links on which the UBA Backhaul Service must be supplied by Telecom on the request of the Access Seeker:

Parent POI Site	FDS	Parent POI Site	FDS
Whangarei	Dargaville	Christchurch	Ashburton
Kerikeri	Kaitaia	Christchurch	Kaikoura
Torbay	Warkworth	Christchurch	Little River
Torbay	Wellsford	Riccarton	Darfield
Howick	Waiheke	Riccarton	Rangiora
Hamilton	Coromandel	Riccarton	Rolleston
Hamilton	Matamata	Timaru	Kurow
Hamilton	Tairua	Timaru	Oamaru
Hamilton	Te Kauwhata	Dunedin	Balclutha
Hamilton	Te Kuiti	Dunedin	Palmerston
Hamilton	Thames	Cromwell	Alexandra
Tauranga	Whakatane	Cromwell	Queenstown
Tauranga	Mt Maunganui	Cromwell	Ranfurly
Napier	Gisborne	Cromwell	Roxburgh
Napier	Waipukurau	Cromwell	Twizel
New Plymouth	Hawera	Cromwell	Wanaka
Palmerston North	Ohakune	Invercargill	Gore
Palmerston North	Wanganui	Invercargill	Lumsden
Greymouth	Westport	Invercargill	Te Anau
Greymouth	Hokitika	Invercargill	Tuatapere

Secondary Links

Subject to the terms of the UBA Backhaul Service Description, the diagrams below show the Secondary Links where the UBA Backhaul Service must be supplied by Telecom on the request of the Access Seeker and where Telecom is not required to supply the UBA Backhaul Service:

North Island:



South Island:

