

From: Nicola Gaffaney [mailto:Nicola.Gaffaney@telecom.co.nz]
Sent: Monday, 5 July 2010 5:10 p.m.
To: Shane Kinley
Subject: Section 30R review of the Unbundled Bitstream Access Standard Terms Determination

Dear Shane,

We refer to the Commission's letter dated 23 June, which commenced a review of competition in the market in which Telecom's unbundled bitstream access (UBA) services are provided. We also refer to the Commission's information request that accompanied that letter.

More detailed information

As discussed with the Commission last week, Telecom believes that the Commission's review would benefit from more detailed information from Telecom and other interested parties than what the Commission has asked for. Much of this information can be provided by Telecom; however some of this information will need to be sourced from other parties, e.g., UCLL Access Seekers, UBA Access Seekers and other wholesale and retail broadband providers such as cable operators, wireless providers and mobile broadband providers. To that end, we have attached a document setting out the information that Telecom and other interested providers should be able to provide the Commission.

Confidential information

Unless prevented by its contractual obligations, Telecom's response will contain commercially sensitive information and information that has been provided to us in confidence by our customers. Telecom will identify this information as [] COI and will remove it from the public version of Telecom's response. If the Commission receives a request for access to this confidential information, we ask that the request is refused under sections 9(2)(b) and/or 9(2)(ba) of the Official Information Act 1992. We also ask that Telecom be given the opportunity to comment on any such request before the Commission decides whether to grant it.

Telecom's wholesale contracts prevent Telecom Wholesale from providing the Commission with information on its commercial bitstream services (with the exception of the UBS service) without either written consent from Telecom Wholesale's customers or a regulatory obligation, such as a section 98 notice. Telecom Wholesale's preference is that its customers consent to the disclosure of this information to the Commission. Telecom Wholesale suggests that the Commission ask these customers whether they wish to provide this information to the Commission directly, or whether they consent to Telecom providing it to the Commission on their behalf on a confidential basis.

Timing

If the Commission were minded to seek this more detailed information, Telecom would appreciate a two week extension to the 23 July deadline.

Please do not hesitate to contact me if you have any questions.

Regards,



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