

9 October 2026

Commerce Commission
Level 9
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Wellington 6011

Submitted by email to: infrastructure.regulation@comcom.govt.nz

Cross-submission on the Fibre Deregulation Review: Draft Recommendation on P2P, Transport, and Co-location and Interconnection FFLAS

Tēnā koutou,

Enable welcomes the opportunity to cross-submit on submissions responding to the Commerce Commission's *Fibre deregulation review – Draft recommendation on Point-to-point, Transport, and Co-location and interconnection Fibre Fixed Line Access Services* (the "Draft Recommendation"). This cross-submission should be read alongside Enable's original submission dated 17 September 2026.

Tuatahi's submission reinforces the case for deregulation

Enable agrees with the key points made in sections 2–4 of Tuatahi's submission. In particular, the Commission's counterfactual should account fully for the continuing Part 4AA framework. Tuatahi explains that, for relevant services other than NBAP services, LFCs must publish terms and prices, supply on a non-discriminatory basis, and remain structurally separated from retail telecommunications services (Tuatahi submission, paragraphs 2.1–2.9). These protections materially constrain both the ability and incentive of an LFC to exercise market power and reinforce Enable's submission that removal of Part 6 regulation would not leave the relevant services without regulatory oversight (Enable submission, paragraphs 7–14).

Enable also agrees that LFC+2 should not operate as a de facto threshold. Tuatahi identifies important features of New Zealand's fibre market that make a generic concern about duopoly less persuasive: wholesale-retail structural separation, Part 4AA obligations, sophisticated buyers, and Chorus's unusual position as a substantial and unconstrained competitor in non-Chorus LFC areas (Tuatahi submission, paragraphs 3.1–3.8 and 4.12–4.14). This is consistent with Enable's submission that one credible alternative can provide an effective constraint where demand is concentrated, contracts are contestable, customers can sponsor new build, and losing a major customer has meaningful commercial consequences (Enable submission, paragraphs 5–6).

Tuatahi's analysis also supports a more granular assessment of P2P competition. It explains that demand is concentrated in small pockets of large enterprise and government customers, so suburb-wide commercial zoning and coverage measures can obscure the competitive alternatives available at the locations where P2P services are actually purchased (Tuatahi submission, paragraphs 4.5–4.11). This aligns with Enable's request that the Commission map actual P2P service addresses and assess practical sub-POI boundaries in Christchurch, rather than allowing low-demand parts of Enable's wider footprint to dilute evidence of competition in the central city and other concentrated demand areas (Enable submission, paragraphs 19–31).

EonFibre is a relevant competitor in Christchurch

Enable does not agree with One NZ's suggestion that the Commission should distinguish EonFibre's self-supply from generally available wholesale alternatives in a way that discounts EonFibre as a competitive

constraint because, at the time of the RFI response, it primarily supplied One NZ internally and had a small direct external customer base (One NZ and EonFibre submission, paragraph 3). The relevant question is not limited to EonFibre's current mix of internal and external customers. It is whether EonFibre has existing network presence, capability and a credible commercial ability to supply, expand supply, or support bypass for the customers and routes at issue.

From Enable's perspective, EonFibre is an actual and credible competitor in Christchurch. EonFibre's established fibre assets, technical capability and connection with a major telecommunications purchaser mean it can constrain Enable even where a material share of its present activity is self-supply. Self-supply demonstrates that traffic can be carried over an alternative network and reduces the volume contestable by Enable; it can also provide the platform from which external wholesale supply can be offered where commercial opportunities arise. A small current external customer base is therefore not, by itself, evidence that EonFibre should be excluded or given little weight in the Commission's competition assessment.

Enable agrees that competition should be tested against practical procurement and network uses (One NZ and EonFibre submission, paragraph 3). Applied consistently, however, that practical test supports recognising EonFibre as part of the competitive landscape rather than setting it aside. It is also consistent with Enable's evidence that Christchurch has multiple network operators, material enterprise and mobile demand, and concentrated areas where current and prospective alternatives should be assessed using actual service locations (Enable submission, paragraphs 23–31 and 44–53).

We also note comments made by EON Fibre on their ambitions such as, "We want EonFibre to be NZ's leading fibre provider for the technology and wholesale business sector. EonFibre will operate and sell services via wholesale arrangements to other businesses including hyperscalers" - Richard Mooney, General Manager, EON Fibre¹.

Other matters raised by submitters

Tuatahi's discussion of co-location and interconnection reinforces that Part 4AA already addresses the principal risks identified in the Draft Recommendation: access, transparency of prices and terms, and non-discrimination (Tuatahi submission, paragraphs 6.1–6.8). Enable's co-location and interconnection services are likewise supplied only to sophisticated wholesale customers, remain subject to Part 4AA, and represent a very small share of Enable's connections and revenue (Enable submission, paragraph 59). One NZ's observation that network-specific interconnection remains necessary does not establish that Part 6 regulation must continue where access is already assured through Part 4AA and the evidence does not identify a residual competition harm that Part 6 uniquely addresses (One NZ and EonFibre submission, paragraph 6).

For these reasons, the cross-submissions strengthen Enable's recommendations that the Commission: give full weight to Part 4AA; avoid treating LFC+2 as a necessary condition; assess P2P and Transport competition at the locations and routes where services are actually supplied; recognise EonFibre as a competitive constraint in Christchurch; and deregulate Enable's Transport, co-location and interconnection services.

Thank you for considering the points raised in this cross submission.

¹ <https://www.reseller.co.nz/article/3486869/one-nz-makes-its-planned-new-fibre-company-dubbed-eonfibre-official.html>