

14 August 2026

Commerce Commission
Level 9
44 The Terrace
Wellington 6011

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

Submission to Draft Resilience Principles: Decision-making Framework for Critical Infrastructure Providers

Tēnā koutou,

Enable Networks Limited (Enable) welcomes the opportunity to provide feedback on the Commerce Commission's (Commission) *Draft Resilience Principles: Decision-making Framework for Critical Infrastructure Providers* (Draft Report) and the accompanying *Infrastructure Resilience: Key Principles for Regulating the Performance of Utilities* report by Res Orgs (Res Orgs Report). The development of clear guidance in this area is timely given the increasing focus by Government, regulators, investors, and communities on the resilience of critical infrastructure.

1. Summary

As Enable is not subject to price-quality regulation, we will leave it to companies that will be assessed on the Principles to comment on if they are useful to them. We do note that the level of analysis required is incredibly high, and applying the ISO standard is unlikely to pass a proportionality test for the small amount of resilience expenditure that Enable would undertake.

Enable supports the Commission's proposed approach to companies subject to information disclosure only, where companies can add information consistent with the nature of the supplier, risks faced and decisions being advanced – however, the Commission does not set requirements. We have provided a high-level overview of what we currently do for resilience in Appendix A to demonstrate the extensiveness of our current processes. We have also made some comments on why some of the generic comments on telecommunications fixed line services in the ResOrgs Report are not applicable to Enable.

2. Introduction

Enable recognises that New Zealand is facing a range of emerging resilience challenges, including more frequent and severe weather events, increasing cyber-security threats, and interdependencies across infrastructure sectors. The Government has signalled stronger expectations that infrastructure providers vulnerable sectors more proactively manage these risks, and we can understand why the Commission wishes to provide more certainty regarding how resilience-related expenditure will be assessed under its economic price-quality regulation.

In that context, Enable broadly supports the Commission developing guidance for regulated suppliers that are required to seek approval of resilience investments through price-quality paths. Clear expectations should reduce uncertainty, improve consistency, and avoid significant effort being expended by suppliers developing proposals that ultimately do not align with the Commission's approach.

3. Enable supports the proposed approach of not changing information disclosure requirements

As the Commission knows, Enable is subject to information disclosure (ID) regulation only. Accordingly, Enable does not need to obtain Commission approval for resilience expenditure and therefore the proposed framework will not have application to our investment decision-making processes, noting of course that we have our own internal expenditure approval processes to meet our Board and owner's expectations.

We note the Commission's comments in the consultation material regarding suppliers that are subject only to information disclosure requirements and support the Commission's proposed proportionate approach.

*"For infrastructure providers subject only to information disclosure, ID requirements do not explicitly prescribe how resilience investment should be reported. However, we would expect that relevant aspects of resilience planning and investment are reflected in disclosures, in a way that is consistent with the nature of the supplier, the risks faced, and the decisions being advanced."*¹

From an information disclosure perspective, it is important to recognise that this approach is appropriate across the ID-only companies, as we note:

- **Consumer-owned electricity distribution businesses:** These represent a relatively small proportion of total electricity connections and have been publishing Asset Management Plans (AMPs) for many years. Asset Management Plans provide a natural and established mechanism through which resilience planning, resilience expenditure, and resilience outcomes can be explained to stakeholders by these companies.
- **Airports and local fibre companies:** Airports and local fibre companies (LFCs) are not required to produce Asset Management Plans. We also note that the potential impacts of many extreme events on fibre access networks are often materially different from those faced by electricity networks. For example:
 - Fibre services rely upon electricity powering the Optical Network Terminal (ONT) at end-user premises, so even if Enable can ensure supply across all other assets, this does not mean end-users are guaranteed to get a fixed broadband service. This is made clear to customers in communications.
 - Customers normally have alternative communications options available through mobile, and potentially through satellite services.
 - Many fibre network assets are underground which provides a range of protection from many weather-related events.
 - Urban fibre networks, like Enable's, can often be designed with redundancy in the feeder network at relatively low cost.

¹ Commerce Commission, *Draft Resilience Principles: Decision-making Framework for Critical Infrastructure Providers*, paragraph 1.14.

- We note that the three LFCs subject to ID-only regulation have spent around \$320k in Resilience Capex between 2023-2025, and future forecasts are relatively minor.

Consequently, we support the Commission's approach for information-disclosure-only sectors, as there is not a regulatory problem requiring intervention. The Commission should avoid creating compliance requirements where there is no demonstrated consumer harm or market failure.

For example, full implementation of the proposed principles alongside formal compliance with international resilience standards would represent a substantial undertaking involving significant cost and complexity for ID-only companies. For a relatively straightforward fibre access network business, such as Enable, this kind of approach would be disproportionate to the risks being managed and we consider that for our customers, would deliver limited additional consumer benefit beyond the resilience processes already in place.

4. Comments on the Telecommunications Fixed Lines Assessment

Enable notes the discussion of telecommunications fixed lines in Section 3.2 of the ResOrgs report. Given the context and references used, we assume much of this analysis has been written principally with the nationwide telecommunications environment in mind and may be informed by information supplied in Chorus's price-quality path information.

A number of the observations do not appear to reflect Enable's circumstances and, in some cases, may not accurately reflect the state of preparedness of urban fibre operators. We think it is helpful to provide Enable's status on some of the Res Orgs statements:

- **"The sector is highly vulnerable to electricity disruptions"**: This statement warrants additional nuance. While end users require electricity to power ONTs and home networking equipment, the core components of Enable's fibre network can continue operating for extended periods independently of Orion's electricity supply. Enable maintains back-up generation capability at all central offices and can continue operating provided fuel supplies remain available.
- **"Restoration is heavily impacted by roads"**: While access constraints after major events are relevant, Enable's network is predominantly urban. In Christchurch, urban transport routes are generally restored relatively quickly, reducing the duration of this risk relative to more geographically dispersed infrastructure networks.
- **"The telecommunications sector has not been significantly tested"**: While this may be true at an industry-wide level, Enable's operations were directly tested during the Canterbury earthquake sequence. These events provided practical experience in emergency response, infrastructure co-ordination, business continuity planning, and management of infrastructure interdependencies.
- **"Business continuity planning is improving"**: Enable supports continuous improvement but notes that its own business continuity planning framework is already mature and underwent a comprehensive review during 2025.
- **"High reliance on retailers to identify problems"**: While retailers are important sources of customer information, Enable can monitor network performance by seeing if an ONT is off or on. For major events, where large numbers of ONTs are turned off, we can likely identify service disruptions quickly without waiting for retailer notifications.

- **"Reluctance to share information with lifelines groups":** This observation does not reflect Enable's experience. Enable has a presence in Canterbury Lifelines and has consistently shared information when requested to support regional preparedness and response activities.

5. Matters We Would Oppose

We would also like to be clear that we would strongly oppose:

- **Mandating compliance with ISO 22372:2025 resilience standards:** The Commission should not require all LFCs to comply with ISO 22372:2025. Such a requirement would represent a significant policy decision extending well beyond economic regulation and should only be considered by Government in the context of broader critical infrastructure policy. A sector regulator should not effectively create de facto mandatory compliance obligations through information disclosure requirements or regulatory guidance.
- **Amending information disclosure requirements to include the ResOrgs measures:** Enable does not support incorporating the ResOrgs resilience measures into information disclosure obligations. These measures may be useful as guidance tools, but they are not regulatory requirements and have not been subject to cost-benefit analysis for fibre providers.
- **Requiring Asset Management Plans for LFCs:** As per discussions in the ID Fibre Review, Enable supports the Commission's current position of not requiring AMPs. Unlike electricity distributors, fibre LFCs have not historically been subject to AMP obligations and there is no evidence that the consumer benefits would justify the compliance costs.

6. Conclusion

Enable supports the Commission's objective of improving clarity regarding how resilience investments may be considered within price-quality regulation. We agree that resilience is becoming increasingly important and that regulated suppliers benefit from understanding regulatory expectations.

Enable already undertakes significant resilience planning through network design, climate-related risk assessments, infrastructure interdependency analysis, business continuity planning, participation in Canterbury Lifelines activities, and ongoing investment in network redundancy and operational preparedness.

Accordingly, we support the Commission's current proposed approach of not imposing additional requirements on information-disclosure-only fibre providers.

Thank you for considering the points raised in this submission.

Appendix A: Enable's Existing Resilience Activities

While Enable does not believe additional regulatory requirements are necessary, we have provided an overview of our resilience planning and activities given resilience has been a significant focus area for Enable for many years.

- **Network design and construction:**

- Enable's UFB network was mostly built from new, rather than evolving from legacy infrastructure. All LFCs were required to comply with Crown Infrastructure Partners (CIP) requirements during deployment, which incorporated significant resilience considerations from the outset.
- In addition, Enable's network predominantly serves an urban environment. This has enabled the business to implement redundancy and route diversity in a cost-effective manner.

- **Climate-related risk assessments**

- Enable is owned by Christchurch City Holdings Limited (CCHL), which has been subject to climate-related disclosure requirements, requiring adherence to the Aotearoa New Zealand Climate Standards established by the XRB (External Reporting Board). As a subsidiary of CCHL, Enable has undertaken a comprehensive climate-related risk assessment process that included:
 - Development of telecommunications sector climate scenarios as part of the TCF
 - Value-chain mapping
 - Assessment of dependencies and interdependencies
 - Detailed climate-related risk analysis aligned with Aotearoa New Zealand Climate Standards
 - Evaluation of adaptation pathways and future mitigation options
 - Developing a transition plan to address future climate-related risks and identifying how resilience capabilities will be enhanced over time.

- **Infrastructure interdependencies**

- Enable benefits from being part of the wider CCHL group. CCHL also owns Orion New Zealand Limited (electricity distribution), Lyttelton Port Company, Christchurch International Airport, and has links with Christchurch City Council infrastructure functions.
- The CCHL subsidiaries have undertaken specific work to identify key infrastructure interdependencies and understand how the different networks interact during major events.

- **Canterbury Lifelines and Resilience Explorer**

- Enable works closely with Canterbury Lifelines and actively participates in regional resilience initiatives. This includes involvement in:
 - Regional risk mapping
 - Lifelines planning activities
 - Infrastructure interdependency assessments
 - Work associated with the Resilience Explorer platform.

- **Earthquake resilience**
 - Outside climate-related risks, earthquakes remain one of the most significant risks facing Canterbury. Enable has direct experience responding to large-scale seismic events and operating within a highly resilient regional lifelines environment. Earthquake resilience is therefore not a theoretical issue for Enable but one that has been considered and tested extensively over many years.
- **Business continuity planning**
 - Enable maintains comprehensive business continuity arrangements and undertook a significant review of its business continuity planning framework in 2025.