



TCF submission to the Commerce Commission

Draft guidance document: Resilience principles - decision making framework for critical infrastructure providers

13 August 2026

Introduction

1. Thank you for the opportunity to make a submission on the draft guidance document - *Resilience Principles: Decision-making framework for critical infrastructure providers*. This submission is provided on behalf of the New Zealand Telecommunications Forum (TCF).
2. The telecommunications sector welcomes discussion about good practice in resilience planning and investment. Our submission:
 - a. Recommends the final guidance document is clearer on:
 - i. **The role of the Commission in resilience**, which must remain limited to its existing statutory functions. For telecommunications, the guidance is likely to be most relevant in the context of the Commission's fibre price quality and information disclosure responsibilities. The Commission does not have a broader oversight or compliance role in resilience.
 - ii. **The status of the guidance**, which should remain a non-binding high level reference document for infrastructure providers regulated by the Commerce Commission evaluating resilience investments. Not a prescriptive framework for how infrastructure providers design, operate or invest in their networks.
 - b. Comments on aspects of the proposed principles and other aspects of the guidance. We recommend:
 - i. **Treating resilience as an integrated part of network design, operations, and investment planning**. Frameworks and processes already exist for risk and asset management. Resilience considerations can be included in these rather than creating an additional set of resilience principles.

- ii. **Taking a proportional approach.** The guidance should more explicitly link any resilience expectations to the proportionality or materiality of the risks.
- iii. Recognising **industry economics, willingness to pay and capital constraints.**
- iv. More realistic **community engagement** expectations.
- v. Adopting a **more pragmatic stance on operational interdependencies** and accessible data.
- vi. **Not duplicating** the role of other government agencies already working on resilience.

The role of the Commission in resilience

- 3. The Commission has a role in considering resilience where it is relevant to its statutory functions. In the case of telecommunications, the guidance appears most directly relevant where resilience considerations intersect with the Commission's fibre price quality and information disclosure responsibilities. In some places the draft guidance recognises these statutory limitations, but in others it seems to assume a broader oversight role for the Commission.
- 4. The final guidance should be clear that it is intended to support the Commission's existing statutory functions, rather than establish broader resilience planning, maturity assessment, or compliance expectations. It should also clarify the intended audience.
- 5. This is particularly important because the sector includes providers and assets operating in different regulatory and market contexts. Across the sector, resilience decisions are made in competitive markets, through commercial investment decisions, contractual commitments, operational risk management and customer requirements.

Avoid duplication with other government agencies

- 6. Several government agencies already have roles in resilience. DPMC as the resilience policy lead, NEMA for emergency management, MCERT for corridor management, and Te Waihangā's role in advising on community expectations and investment priorities for infrastructure. There is also MCERT and local government work on climate adaptation and natural hazards. Telecommunications providers are already engaging across these workstreams.
- 7. The final guidance should acknowledge the broader resilience landscape and avoid creating overlapping, inconsistent or potentially contradictory expectations. Where coordination or information-sharing is needed, existing channels should be used wherever possible.
- 8. Resilience is already a crowded area across government. With substantial activity already underway, further duplication will add to the complexity and regulatory burden, including public and private sector costs.

The purpose and status of the guidance

9. The final guidance should be clear about its purpose, legal status and intended use. It should be, and remain, a non-binding high-level reference document, and not develop into a prescriptive framework for how telecommunications providers design, operate or invest in their networks.
10. Telecommunications providers already manage resilience as part of network design, operations, emergency response, business continuity, supplier management and investment planning. The Commission's guidance should recognise that existing practice. It should also avoid creating an expectation of progressive adoption that effectively turns the guidance into a benchmark for regulated expenditure approval or broader maturity framework over time.

Resilience is embedded in broader decisions and existing frameworks

11. Telecommunications investment often serves several purposes at once. A network decision may improve resilience while also supporting, or being primarily driven by, other purposes including capacity, coverage, and reliability. This means that providers may not be able to meaningfully separate dedicated resilience spend from broader network investment. Where resilience is one factor among others, providers need to consider it within existing commercial investment and operational decision-making processes.
12. The guidance should treat resilience as an integrated part of network design, operations, and investment planning. Frameworks and processes already exist for risk and asset management. Resilience considerations can be, and are, included in these rather than creating an additional set of resilience principles. A shorter simpler guidance document along these lines would be easier to apply consistently, and would improve clarity about how the guidance is intended to be used in practice.

Proportionality should be central

13. The document states that the principles apply in every case, but to a different extent, with the level of expected analysis proportionate to the scale, context and materiality of the investment being considered.
14. While proportionality is mentioned, we are concerned the Commission may expect the guidance to apply to all relevant spending decisions with a resilience element. As noted above, resilience is often embedded in broader investment and operational decisions.
15. The level of analysis and engagement expected should scale with the materiality and purpose of the decision, with more intensive assessment reserved for material or primarily resilience-driven proposals. The guidance could perhaps distinguish between network-wide resilience planning and project level investment cases. Without proportionality, the guidance may create unnecessary burden and risk slowing or deterring practical resilience improvements.

16. We think that proportionality and materiality need to be more front and centre in the guidance, perhaps as a cross cutting theme. Proportionality and materiality should also be defined.

Community engagement

17. Customer and community impacts are relevant, but engagement expectations should be realistic and proportionate to the scale of investment. It is not realistic to expect full scale consultation and community engagement processes on every investment that may have a resilience element. Existing engagement processes and evidence should be able to be relied on, with targeted engagement where impacts are material.

Willingness to pay and industry economics

18. The guidance notes that willingness to pay is an important consideration, as are other inputs such as service impact analysis, risk tolerance, restoration expectations, customer requirements, emergency management needs and expert network assessment.
19. Willingness to pay issues can apply differently depending on whether you are considering regulated wholesale providers or telcos providing mobile or fixed wireless services directly to consumers. There is also a question about the usefulness of willingness to pay evidence where resilience costs are distributed across a network versus a localised asset.
20. The highly competitive nature of the mobile and fixed wireless sector means that much of the investment being made in network improvements (including for resilience purposes) cannot be recouped through price increases. As noted in the National Infrastructure Plan, investment is ultimately constrained by what infrastructure users are willing and able to pay. Consumers are generally unwilling to pay what it costs to provide gold plated resilience across a range of possible hazards: weather events, cyber-attacks, pandemics or solar storms. But their demand for connectivity continues to rise.
21. Industry economics means there are constraints on the capital available for resilience investment, which should be reflected in the guidance. If the Government wants infrastructure providers to invest more than consumers are willing to pay for services then interventions such as co-investment are needed, not resilience principles.
22. The intricacies surrounding willingness to pay further demonstrate the flaw in attempting to impose a regulatory overlay onto non-regulated resilience activities.

Interdependency expectations need practical boundaries

23. Telecommunications providers support better understanding of interdependencies with other critical infrastructure sectors (especially electricity and transport), and other communications networks (such as satellite). The sector is already engaged with other parts of government on this, including NEMA. We are also considering interdependencies through our work on climate scenarios.
24. Any Commission guidance should:

- a. be realistic about what individual providers can know, influence or disclose
- b. account for incomplete information, commercial confidentiality, security-sensitive network information
- c. avoid overlapping with work currently overseen by other agencies.

Next steps

- 25. We would welcome a conversation with the Commission about its intended next steps.