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Penelope Peirce
Regulatory Manager
Tuatahi First Fibre

By email only: [redacted]

Tēnā koe Penelope

Tuatahi First Fibre – compliance advice letter for information disclosure errors for disclosure years 2022 – 2025.

1. The Commerce Commission (Commission) has completed its investigation into Tuatahi First Fibre's (Tuatahi) errors in its Information Disclosure (ID) with respect to Fibre Fixed Line Access Services (FFLAS).

2. Based on our assessment of the information provided by Tuatahi against our enforcement criteria we have decided to issue Tuatahi this compliance advice letter.

3. This letter sets out details of the investigation and our assessment.

Information disclosure requirements applicable to Tuatahi

4. Tuatahi is subject to ID requirements under Part 6 of the Telecommunications Act 2001 (**the Act**). The ID requirements that apply to Tuatahi are set out in the Fibre Information Disclosure Determination 2021, as amended (**ID Determination**).[1]

The errors

First error: Data omission for Disclosure Years (DY) 2022 - 2024

5. In July 2025, the Commission identified and subsequently notified Tuatahi of its missing asset health data within schedule 10 ID FFLAS asset register. The Commission found that the information required under clause 2.4.3(1) of the ID determination had not been disclosed for DY 2022, 2023, and 2024.

[1] The Information Disclosure requirements that applied to Tuatahi at the time errors occurred (from 2022 – 2025) are set out in the Fibre Information Disclosure Determination 2021 [2021] NZCC 24 (as amended) https://www.comcom.govt.nz/assets/pdf_file/0024/271932/Fibre-Information-Disclosure-Determination-2021-2021-NZCC-24-with-Schedules-14-18-21-23-and-26-30-November-2021.pdf.

Second error: Failure in probe data retention in DY 2025

6. In August 2025, Tuatahi informed the Commission that a system issue prevented it from retaining the probe data required for monthly reporting under schedule 20(iv) affecting DY 2025. Clause 2.9 of the ID determination requires Tuatahi to retain all information that must be publicly disclosed for at least seven years.

The investigation

7. On 8 April 2026, we opened an investigation into Tuatahi's potential contravention of the ID requirements for DY 2022 – 2025.

8. We also sent a Request for Information (RFI) on 8 April 2026, and we received a detailed response on 8 May 2026.

Reasons for the errors

9. Tuatahi explained in its response to the RFI that the first error arose from a misinterpretation of the requirements, rather than failure in its underlying data systems or the availability of information. Since then, Tuatahi has strengthened its regulatory controls and oversight to prevent reoccurrence. This includes creating a new Regulatory Compliance Lead role and allocating additional resources to review and validate all ID schedules against the ID requirements prior to submission.

10. The second error arose during a transition from legacy monitoring and reporting systems to a new, consolidated platform. Tuatahi responded promptly to the probe data retention issue by reconstructing the required data using alternative internal system sources.

11. For the second error, Tuatahi has implemented both immediate controls and long-term improvements to address the underlying causes, strengthening data retention, reporting oversight, and detection of reporting gaps. Further system improvements are underway.

Impact of the errors

12. The omission of data resulted in incomplete reporting of the ID requirements. In both instances, Tuatahi took proactive steps to address the issues as soon as it became aware of them. For the first error, the corrected schedules, including the asset grade management data, were republished on Tuatahi's website. For the second error, Tuatahi reconstructed the missing data using information from alternative legacy system sources. Tuatahi made reasonable effort to rectify the omissions and provide the required information. The errors do not appear to have affected end-users of the network (in terms of price and quality).

The Commission's view

13. We analysed the information provided against the enforcement criteria of seriousness of conduct, extent of detriment, and public interest. As a result of our investigation, we have formed the view that Tuatahi's errors were not intentional but were due to misinterpretation of the ID requirements and inadequate processes.

14. While data omission is a matter of concern to the Commission, in this instance there has been no direct harm to end users and there were no material adverse effects on the ID regime. We consider the errors were regulatory in nature relating to completeness and retention of information.

15. We note Tuatahi has been cooperative in responding to our RFI and has implemented many improvements to its processes and procedures following these errors to reduce the risk of recurrence.

Enforcement decision: compliance advice letter

16. Tuatahi made inadvertent errors relating to completeness and retention of information. We understand that Tuatahi remediated the issues as soon it became aware of the errors and there was no direct harm to end users. We consider that a compliance advice letter is the appropriate enforcement response to reinforce the importance of ensuring that all data required by the ID Determination is complete and accurately disclosed in the future.

17. The subject matter giving rise to this compliance advice letter is in the public interest, so we will publish this letter on our website.

18. Thank you for your assistance with this investigation. Please contact Ben Oakley, Head of Telecommunications, by email at Ben.Oakley@comcom.govt.nz if you have any questions about this letter.

Nāku iti noa, nā

Ben Oakley
Head of Telecommunications