

30 November 2021

To: Tuatahi First Fibre Limited
11 Ken Browne Drive
Te Rapa
Hamilton
3200

Notice to supply information to the Commerce Commission under section 187(1)(c) of the Telecommunications Act 2001

Background

1. From 20 December 2019, Tuatahi First Fibre Limited (Tuatahi) became subject to information disclosure (ID) regulation under the Telecommunications Act 2001 (Act) in respect of the services specified in regulation 5 of the Telecommunications (Regulated Fibre Service Providers) Regulations 2019.
2. The Commerce Commission (Commission) must, after the date on which the relevant input methodologies (IMs) are determined, but before the implementation date (1 January 2022), make a determination under s 170 specifying how ID regulation applies to the regulated providers.¹

Purpose of this notice

3. This notice requires Tuatahi to complete and provide the reports set out in Attachment A and B of this notice and the related independent auditor's report and directors' certificate to the Commission.
4. This information relates to the information that must be disclosed by Tuatahi for each disclosure year under clauses 2.4.2(5) and 2.4.2(7) of the Fibre Information Disclosure Determination 2021 [2021] NZCC 24. The information is necessary to help us monitor compliance with the asset and cost allocation requirements in the IMs that Tuatahi is required to apply when making its disclosures under clauses 2.4.2(5) and 2.4.2(7).

Timeframes for responding to this notice

5. Tuatahi must supply the information specified in this notice for disclosure years 2022 and 2023 no later than 5 months and 5 working days after 31 March 2023.

¹ Telecommunications Act 2001, s 172(1)(b).

6. Tuatahi must supply the information specified in this notice for all other disclosure years annually, no later than 5 months and 5 working days after 31 March.
7. “working days” has the same meaning as defined in s 5 of the Telecommunications Act 2001.
8. “disclosure year” has the same meaning as defined in the Fibre Information Disclosure Determination 2021 [2021] NZCC 24.

Independent auditor’s report

9. Tuatahi must provide the Commission with an assurance report in respect of the information provided that complies with clauses 2.7.1(1) and 2.7.1(2) of the Fibre Information Disclosure Determination 2021 [2021] NZCC 24.

Director certification

10. Tuatahi must provide the Commission with a certificate in respect of the information provided in the form set out in Schedule 18 of the Fibre Information Disclosure Determination 2021 [2021] NZCC 24 with any necessary modifications that is signed by 2 directors.

Exemptions

11. The Commission may at any time by way of written notice:
 - 11.1 exempt Tuatahi from any obligation in this notice on such terms and conditions as it specifies in the notice, which may include a requirement to provide alternative information; and
 - 11.2 amend or revoke any such exemption.

Means of responding to this notice

12. Tuatahi must provide the Commission with the information required by supplying the information to the Commission by email to regulation.branch@comcom.govt.nz (Attention: Manager, Fibre) with the subject line “Tuatahi – Response to section 187(1)(c) Notice – Compliance statements for fibre information disclosure”.

Use of supplied information and confidentiality

13. If Tuatahi considers that any information it provides to the Commission in response to this notice is confidential or commercially sensitive, and that the Commission should not publish or publicly refer to any particular part of Tuatahi’s response, Tuatahi must:
 - 13.1 provide that information in a separate appendix;
 - 13.2 provide both an unredacted version, and a redacted version with the confidential/commercially sensitive information removed;

- 13.3 clearly mark the information as confidential or commercially sensitive (as applicable) in the unredacted version; and
- 13.4 for each redaction of information provide reasons why Tuatahi considers that part of the response is confidential or commercially sensitive (as applicable) and why the Commission should not publish or publicly refer to it.
- 14. If Tuatahi indicates that we should not publish or publicly refer to the whole or any part of its response, we will discuss with Tuatahi before deciding whether to do so.
- 15. Please note that all responses we receive, including any parts that we decide not to publish, can be requested from the Commission under the Official Information Act 1982. This means, that if requested, we would be required to release material unless good reason existed under the Official Information Act 1982 to withhold it. We would normally consult with Tuatahi before releasing any material that Tuatahi has requested not be published.

Offences under section 103 of the Commerce Act 1986

- 16. Sections 15(1)(l) and 15(4) of the Act provide that s 103 of the Commerce Act 1986 (Commerce Act) applies to notices made under s 187(1)(c) of the Act.
- 17. Section 103 of the Commerce Act provides that no person shall:
 - 17.1 without reasonable excuse, refuse or fail to comply with a notice under [s 193 of the Act];
 - 17.2 in purported compliance with such a notice, furnish information, or produce a document, or give evidence, knowing it to be false or misleading; or
 - 17.3 attempt to deceive or knowingly mislead the Commission in relation to any matter before it.
- 18. It is an offence to contravene s 103 of the Commerce Act and any person who does so is liable on conviction to a fine not exceeding \$100,000 in the case of an individual or \$300,000 in any other case.

Dated at Wellington: 26 November 2021

Signed by:



Tristan Gilbertson
Telecommunications Commissioner

REPORT SUPPORTING ASSET ALLOCATIONS

Company name: _____
For disclosure-year ended: _____

				Allocator Metric (%)			Value allocated (\$'000)					
	Line Item*	Allocator Type	Allocation Driver	Causal or Proxy Allocator	PQ-FFLAS	ID-only FFLAS	Non-FFLAS	Total Unallocated costs	PQ-FFLAS	ID-only FFLAS	Non-FFLAS	Total Allocated
9	NETWORK ASSETS - LAYER 1											
10	Ducts and Manholes											
11												
12												
13	Insert asset description		Allocator 1	[Select one]								-
14	Insert asset description		Allocator 2	[Select one]								-
15	Insert asset description		Allocator 3	[Select one]								-
16	Insert asset description		Allocator 4	[Select one]								-
17	Not directly attributable											
18	Fibre Optic Cable											
19	Insert asset description		Allocator 1	[Select one]								-
20	Insert asset description		Allocator 2	[Select one]								-
21	Insert asset description		Allocator 3	[Select one]								-
22	Insert asset description		Allocator 4	[Select one]								-
23	Not directly attributable											
24	Fibre Service Leads											
25	Insert asset description		Allocator 1	[Select one]								-
26	Insert asset description		Allocator 2	[Select one]								-
27	Insert asset description		Allocator 3	[Select one]								-
28	Insert asset description		Allocator 4	[Select one]								-
29	Not directly attributable											
30	Local Access Copper Cable (Poles)											
31	Insert asset description		Allocator 1	[Select one]								-
32	Insert asset description		Allocator 2	[Select one]								-
33	Insert asset description		Allocator 3	[Select one]								-
34	Insert asset description		Allocator 4	[Select one]								-
35	Not directly attributable											
36	FTTN/ FTTP Cabinets											
37	Insert asset description		Allocator 1	[Select one]								-
38	Insert asset description		Allocator 2	[Select one]								-
39	Insert asset description		Allocator 3	[Select one]								-
40	Insert asset description		Allocator 4	[Select one]								-
41	Not directly attributable											
42	Network Equipment											
43	Insert asset description		Allocator 1	[Select one]								-
44	Insert asset description		Allocator 2	[Select one]								-
45	Insert asset description		Allocator 3	[Select one]								-
46	Insert asset description		Allocator 4	[Select one]								-
47	Not directly attributable											
48												
49												

ATTACHMENT A

REPORT SUPPORTING ASSET ALLOCATIONS

Company name:
For disclosure-year ended:

Terms used in this report have the same meanings as defined in the Fibre Information Disclosure Determination 2021 [2021] NZCC 24.

ref

49	Information Technology									
50	Insert asset description		Allocator 1	[Select one]						-
51	Insert asset description		Allocator 2	[Select one]						-
52	Insert asset description		Allocator 3	[Select one]						-
53	Insert asset description		Allocator 4	[Select one]						-
54	Not directly attributable									
55	Other Layer 1 assets									
56	Insert asset description		Allocator 1	[Select one]						-
57	Insert asset description		Allocator 2	[Select one]						-
58	Insert asset description		Allocator 3	[Select one]						-
59	Insert asset description		Allocator 4	[Select one]						-
60	Not directly attributable									
61	NETWORK ASSETS - LAYER 2									
62	FTTN/FTTP Cabinets									
63	Insert asset description		Allocator 1	[Select one]						-
64	Insert asset description		Allocator 2	[Select one]						-
65	Insert asset description		Allocator 3	[Select one]						-
66	Insert asset description		Allocator 4	[Select one]						-
67	Not directly attributable									
68	Network Equipment									
69	Insert asset description		Allocator 1	[Select one]						-
70	Insert asset description		Allocator 2	[Select one]						-
71	Insert asset description		Allocator 3	[Select one]						-
72	Insert asset description		Allocator 4	[Select one]						-
73	Not directly attributable									
74	Information Technology									
75	Insert asset description		Allocator 1	[Select one]						-
76	Insert asset description		Allocator 2	[Select one]						-
77	Insert asset description		Allocator 3	[Select one]						-
78	Insert asset description		Allocator 4	[Select one]						-
79	Not directly attributable									
80	Other Layer 2 assets									
81	Insert asset description		Allocator 1	[Select one]						-
82	Insert asset description		Allocator 2	[Select one]						-
83	Insert asset description		Allocator 3	[Select one]						-
84	Insert asset description		Allocator 4	[Select one]						-
85	Not directly attributable									
86	OTHER NETWORK ASSETS									
87	Network land and buildings									
88	Insert asset description		Allocator 1	[Select one]						-
89	Insert asset description		Allocator 2	[Select one]						-
90	Insert asset description		Allocator 3	[Select one]						-
91	Insert asset description		Allocator 4	[Select one]						-
92	Not directly attributable									
93	Other network assets									
94	Insert asset description		Allocator 1	[Select one]						-
95	Not directly attributable									
96	Insert asset description		Allocator 1	[Select one]						-

REPORT SUPPORTING ASSET ALLOCATIONS

Company name:
For disclosure-year ended:

[illegible]

REPORT SUPPORTING COST ALLOCATIONS

Company name:
For disclosure-year ended:

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[illegible]