

6 October 2022

[REDACTED]
Regulatory Manager
Tuatahi First Fibre Limited
11 Ken Browne Drive
Te Rapa
Hamilton 3200

Email: [REDACTED]

Dear Elliot,

Response to Tuatahi's application for a partial exemption from 2021/22 Information Disclosure obligations

1. This letter is the Commerce Commission's (**the Commission**) response to Tuatahi First Fibre Limited's (**Tuatahi**) application¹ for an exemption from clause 2.2(1)(a)(vii) and all related obligations of the LFC Information Disclosure Determination 2018 (**the Determination**) for the 2021/22 disclosure year.
2. pursuant to clause 4.2 of the Determination, the Commission **grants** Tuatahi:
 - 2.1 An extension of time, until 31 March 2023 to provide the Information Disclosure required under clause 2.2(1)(a)(vii) of the Determination to the Commission.

Background

3. Clause 2.2(1) of the Determination requires Tuatahi to disclose annually certain information to the Commission by no later than 30 November for the disclosure year ending 30 June prior.
4. However, under the provisions of clause 4.2 of the Determination, the Commission may at any time, on written application, exempt Tuatahi from any or all of the provisions of the Determination, for a period, and on such terms and conditions as the Commission specifies.
5. Tuatahi requested an extension of time to provide the Exception Report on Pricing described in Schedule 6 of the Determination, on the basis that:

¹ Application received via emailed letter from [REDACTED], Tuatahi First Fibre Limited, 19 August 2022.

- 5.1 It is updating current, and implementing new, systems to allow it to meet its obligations under the 2021 ID Determination. This represents, and will continue to represent over coming months, a significant amount of work which primarily commenced after the 2021 ID Determination was made on 30 November 2021.
- 5.2 Alongside that work, it is currently preparing its final disclosure under the 2018 ID Determination, preparing information in accordance with the Commission's information request for the purposes of determining Tuatahi's initial ID RAB and opening tax losses (under Part 6 of the Telecommunications Act), and undertaking its day-to-day financial functions (including the recent finalisation of end of year accounts).
- 5.3 These workstreams require considerable internal and external resource to progress and combined with employee absences (and considering likely future absences) due to seasonal illness and COVID-19, it has identified a risk that it will not be able to satisfy all of its obligations in respect of those workstreams unless action is taken to alleviate resourcing pressures.

Extension provided

- 6. In the circumstances the Commission grants Tuatahi an extension of time to provide the Exception Report on Pricing described in Schedule 6 of the Determination, until 31 March 2023.
- 7. This extension may be revoked or further amended by the Commission at any time in accordance with clause 4.2(b) of the Determination.

Our expectations

- 8. The Commission expects Tuatahi's Information Disclosure for all other aspects of the Determination to be provided by 30 November 2022, and the Exception Report on pricing to be provided by 31 March 2023.

Next steps and getting in touch

- 9. Please contact Zeb Walker, Principal Investigator, Regulatory Rules and Compliance, on (04) 924 3635 or Zeb.Walker@comcom.govt.nz if you have any questions about this letter.

Yours sincerely,



Tristan Gilbertson
Telecommunications Commissioner