

13 August 2024

Keston Ruxton

Manager of Fibre PQ Regulation
Commerce Commission
PO Box 2351
Wellington 6140
New Zealand

Dear Keston,

Thank you for the opportunity to provide feedback on the Commissions draft *Fibre Input Methodologies (expenditure, revenue and quality) Amendment Determination 2024*. We have reviewed the proposed amendments and the supporting reasons paper, and have the following feedback;

The definition of outage

Tuatahi First Fibre and our LFC counterparts have had well documented issues with the ability to comply with quality reporting requirements using the current definition of “outage” in the IM determination. This has required exemptions from the Commerce Commission to manage, the latest being provided for disclosure year 2024.

As discussed in the draft reasons paper at 3.30 to 3.37¹ the issues the current definition raise for Tuatahi are:

- a) The broad nature of the definition of outage means that in theory all outages identified by Tuatahi, no matter the scale must be captured. This includes everything from an individual premise fault, through to larger scale network faults.
- b) Following on from this, the current technology used to monitor does not always provide instantaneous reporting of valid outages. Therefore sometimes notifications occur via an RSP, once an end-user has notified them.

The proposed replacement definitions of *outage* and *outage notification*, are consistent with the exemption that was granted for disclosure year 2024² which is appreciated.

The proposed amendment adequately deals with the practical challenges of system limitations outlined in b) above, and in 3.30 to 3.31 of the discussion document. It does not however provide clarity for at what point on the sliding scale of a fault, it should be considered a reportable outage. This was also not addressed in the recently granted exemption.

A clear threshold for what a reportable outage identified by the regulated provider is needed (note; this threshold is not needed when an outage notification has been received). Common industry practice would be for a self-identified fault to be reportable when it is identified as a *major fault*. *Major* being that the fault occurs between the aggregation network and the passive optical network up to the splitter.

¹ [Fibre-IMs-Expenditure2C-revenue-and-quality-reasons-paper-draft-17-July-2024.pdf \(comcom.govt.nz\)](#)

² [Fibre-ID-exemption-ID-only-regulated-providers-Outage-definition2C-Schedule-20-reporting-2-August-2024.pdf \(comcom.govt.nz\)](#)

We request that clear threshold guidance be given relating to self-identified faults, either in a footnote to the definition, or in the supporting reasons paper. Should you want to further discuss this point, we are happy to provide additional information.

These proposed definitions are followed by a clarification at 5.2, that the outage occurs at the earliest timepoint an outage is identified, whether that be via RSP notification or as identified by the LFC. The express inclusion of this rule is useful for audit of the quality parameters, so we are pleased to see this addition alongside the *outage* definition changes.

Yours Sincerely,

Regulatory Manager
Tuatahi First Fibre