

4 December 2019

Mr Simon Thomson
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Regulation Branch
Commerce Commission
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Dear Simon,

Specified points of interconnect – cross submission

1. In the short time frame allotted to the cross-submission process, we have taken the opportunity to comment only on substantive issues. Importantly, all submissions noted the time-bound obligation in section 231(5)(a) of the Telecommunications Act is for the Commission to specify points-of-interconnection (POI) for the layer 2 service already being provided by Chorus and LFCs. Further, all submissions acknowledge the obligations in section 231 require the Commission to continue to prescribe appropriate service interconnection points after 31 December 2019 to ensure interconnection for service is not frustrated.
2. The area where submissions differ is in relation to how POIs apply to new layer 1 services such as the unbundled fibre access service (PONFAS) from Chorus and Local Fibre Companies (LFCs). The requirement to provide unbundled layer 1 equivalent to the unbundled copper local loop services (UCLL) only commences from 1 January 2020. Therefore, submissions differed in relation to the requirement for the Commission to specify interconnection for layer 1 services.
3. The obligations to enable unbundled access (to be provided from 1 January 2020) are defined in accordance with the subsequent services prescribed by the Network Infrastructure Project Agreements (NIPAs). The subsequent services are defined in the UFB 1 NIPA Schedule 10. These services include, *inter alia*, unbundled access to cabinet space, distribution fibre, feeder-fibre, splitters and different service ratios for splitters. We welcome the opportunity to discuss the importance of well-defined layer 1 handovers and service specification for delivering innovation and efficient use of telecommunications infrastructure.

4. The subsequent services require effective terms (both price and non-price) for interconnection and service provision of these unbundled service elements. We would also welcome inputting into the operations manuals and service agreements for each of the subsequent services defined by the UFB 1 NIPAs. To this end we discourage the Commission from hastily specifying points of interconnection for layer 1 PONFAS with the unintended consequence of frustrating access or having services misaligned with new unbundled inputs.

5. Rather, we recommend the Commission take the opportunity to describe effective terms for layer 1 handover points to ensure telecommunications infrastructure is used efficiently and for service providers to use the right combination of service inputs for their offerings.

Yours sincerely

Michael Shirley
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