

# Promoting competition in telecommunication markets as part of fibre information disclosure (ID) and price-quality (PQ) regulation

## Survey questions

Please note:

- If you are providing any confidential information, please clearly state this is your answers.
- These are risk statements about a fibre provider's possible future conduct. It may or may not have occurred in the past or be occurring presently.

**Risk A: Chorus lessens competition by charging anti-competitive prices for layer 1 services that are an input to rival competitors downstream at layer 2. This raises the costs of downstream rivals, making them less competitive**

**Layer 1: the physical layer which includes physical fibre optic cables and other passive network elements like splitters**

**Layer 2: the data link layer which transfers data between adjacent points in a network**

- a. How useful do you think information disclosure (ID) regulation is to mitigate this risk, relative to other tools, such as price-quality (PQ) regulation, equivalence of inputs (EOI) or non-discrimination (ND) obligations?

Please rank the regulatory tools from 1-5 (1 being very useful and 5 least useful).  
Please do not give the same ranking to more than one regulatory tool.

	1	2	3	4	5
Information disclosure regulation	<input type="checkbox"/>				
Price-quality regulation	<input type="checkbox"/>				
Equivalence of inputs obligations	<input type="checkbox"/>				
Non-discrimination obligations	<input type="checkbox"/>				
Other	<input type="checkbox"/>				

If 'Other' please specify.

b. What role do you see for ID regulation in mitigating this risk?

*What are your specific ID-related suggestions? How does this promote the long-term benefit of end-users of telecommunication services?*

c. How useful do you think PQ regulation in the first regulatory period is to mitigate this risk, relative to other tools such as ID regulation, EOI or ND obligations?

*Please rank the regulatory tools from 1-5 (1 being very useful and 5 least useful). Please do not give the same ranking to more than one regulatory tool.*

	1	2	3	4	5
Information disclosure regulation	<input type="checkbox"/>				
Price-quality regulation	<input type="checkbox"/>				
Equivalence of inputs obligations	<input type="checkbox"/>				
Non-discrimination obligations	<input type="checkbox"/>				
Other	<input type="checkbox"/>				

*If 'Other' please specify.*

d. What role do you see for PQ regulation in mitigating this risk?

*What are your specific ID-related suggestions? How does this promote the long-term benefit of end-users of telecommunication services?*

**Risk B: Local fibre companies (other than Chorus) lessen competition by charging anti-competitive prices for layer 1 services that are an input to rival competitors downstream at layer 2. This raises the costs of downstream rivals, making them less competitive**

*Please answer questions a) and b) as per above*

**Risk C: Chorus lessens competition through non-price terms (including quality) for layer 1 services that are an input to rival competitors downstream at layer 2. This negatively impacts downstream rivals, making them less competitive**

*Please answer questions a) and d) as per above*

**Risk D: Chorus lessens competition through insufficient investment in layer 1 services that are an input to rival competitors downstream at layer 2. This negatively impacts downstream rivals, making them less competitive**

*Please answer questions a) and d) as per above*

**Risk E: Local fibre companies (other than Chorus) lessen competition through non-price terms (including quality) for layer 1 services that are an input to rival competitors downstream at layer 2. This negatively impacts downstream rivals, making them less competitive**

*Please answer questions a) and b) as per above*

**Risk F: Local fibre companies (other than Chorus) lessen competition through insufficient investment in layer 1 services that are an input to rival competitors downstream at layer 2. This negatively impacts downstream rivals, making them less competitive**

*Please answer questions a) and b) as per above*

**Risk G: Chorus lessens competition by charging anti-competitive prices for specific layer 2 services where it faces competition (eg, lower speed broadband)**

*Please answer questions a) and d) as per above*

**Risk H: Local fibre companies (other than Chorus) lessen competition by charging anti-competitive prices for specific layer 2 services where they face competition (eg, lower speed broadband)**

*Please answer questions a) and b) as per above*

**Risk I: Chorus lessens competition by charging anti-competitive prices at layer 2 in areas only subject to information disclosure (ID) regulation, enabled by inappropriate allocation of costs between ID and price-quality (PQ) areas**

*Please answer questions a) and d) as per above*

**Risk J: Chorus lessens competition by charging anti-competitive prices at layer 1 in areas only subject to information disclosure (ID) regulation, enabled by inappropriate allocation of costs between ID and price-quality (PQ) areas**

*Please answer questions a) and d) as per above*

**Risk K: Chorus bundles layer 2 products with layer 1 backhaul products, such as Intra Candidate Area Backhaul Service (ICABS), in a way that makes entry into the backhaul market uneconomic (eg, not enough contestable volumes).**

*Backhaul is the intermediary link in a telecommunications network between the edge of the network (eg, copper or fibre connecting homes or mobile sites) and the core network (eg, internet gateways and content provision)*

*Please answer questions a) and d) as per above*

**Risk L: Chorus bundles layer 2 products between price-quality (PQ) and information disclosure (ID)-only areas that have exclusionary effect on local fibre companies in ID-only areas (eg, prices in PQ areas are lower if you also purchase ID-only area requirements from Chorus)**

*Please answer questions a) and d) as per above*

**Risk M: Chorus lessens competition at layer 2 in price-quality (PQ) and/or information disclosure (ID)-only areas by making anti-competitive incentive payments (also referred to as 'retention capex') to attract/retain end-users (price terms)**

*Please answer questions a) and d) as per above*

**Risk N: Chorus lessens competition at layer 2 in price-quality (PQ) and/or information disclosure (ID)-only areas by imposing anti-competitive conditions attached to the incentive payments (also referred to as 'retention capex') (non-price terms)**

*Please answer questions a) and d) as per above*

**Risk O: Chorus prevents other local fibre companies (LFCs) from expanding their network (limiting growth opportunities for LFCs within their own areas and preventing entry into Chorus' price-quality regulated areas) by undercharging for laying new network/connections (for example, cross-subsidising the network expansion and recovering the costs elsewhere)**

*Please answer questions a) and d) as per above*

**Please rank your top five risks in order of most to least material in the next three years (materiality combines the likelihood of conduct occurring and the impact in terms of lessening of competition). Please do not give the same ranking to more than one risk.**

	RISK A	RISK B	RISK C	RISK D	RISK E	RISK F	RISK G	RISK H	RISK I	RISK J	RISK K	RISK L	RISK M	RISK N	RISK O
1	<input type="checkbox"/>														
2	<input type="checkbox"/>														
3	<input type="checkbox"/>														
4	<input type="checkbox"/>														
5	<input type="checkbox"/>														

**Help us improve our collective understanding of how the requirement in section 201 of the Telecommunications Act 2001 on geographically consistent pricing impacts on competition in telecommunication markets**

- a. Is there a role for information disclosure regulation (supplemented by summary and analysis) to help interested stakeholders understand these impacts?

*Include yes/no answer*

- b. If yes, what information and forms of summary and analysis would help you to understand potential competition impacts of geographically consistent pricing?

*Please specify*

**Are there any other key risks or opportunities to promote competition? If so, which ones? Please only include those that can be mitigated or realised with information disclosure or price-quality regulation, and rank them relative to the other risks**

*Please specify*