

Tristan Gilbertson
Telecommunications Commissioner
Commerce Commission
Wellington

3 October 2023

Dear Tristan,

Specified points of interconnection (SPOIs) – request to prescribe additional SPOIs

- 1 We refer to the Commerce Commission’s Notice of points of interconnection under section 231 of the Telecommunications Act 2001 (**Section 231 Notice**) and the Commission’s Framework for exercising its powers under section 231 of the Telecommunications Act 2001 (**Framework**), both dated 16 February 2023.

Request to prescribe additional SPOIs

- 2 We **attach** a request for the Commission to amend the Section 231 Notice to prescribe three additional SPOIs, as follows:

POI Identifier	Name	UFB geographic area (POI area)	Region
CLE	Claudeland	Hamilton, Cambridge and Te Awamutu	Waikato
GLT	Gleniti	Timaru	Canterbury
SWO	Spotswood	New Plymouth and Hawera	Taranaki

- 3 We understand that the Commission’s concerns around changes to SPOIs, as set out in its Framework, largely relate to changes or withdrawal of POIs. I.e. where handovers at an existing POI will no longer be available and, therefore, customers will be required to move their handovers to a different POI.
- 4 As this change request is only adding additional POIs, providing customers with more options for handovers without any requirement to move, we trust that consideration of this change request will be a relatively straightforward process. However, for completeness we have addressed the criteria in the Framework in full.

Response to request for information

- 5 On 3 April 2023, the Commission requested that we answer questions in relation to SPOIs and handover capacity. This referenced our communication to the Product Forum on 9 March 2023 regarding an update on our intentions to grandfather Spark exchanges, and 1Gbps handovers. We requested an extension in our substantive response, as we were re-considering our previously announced plan to withdraw from Spark exchanged.
- 6 We have now addressed these questions in Appendix A to this Change Request. We decided not to proceed with our previous plan to withdraw from Spark exchanges, and in that context, some of the questions were slightly redundant. However, we have answered the questions to the best of our ability.

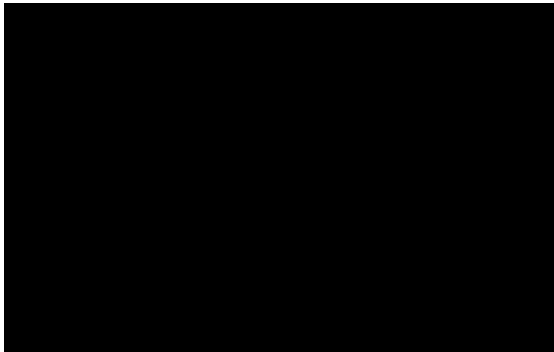
Confidentiality

- 7 Some of the information provided in the change request is confidential and commercially sensitive. This information is marked with square brackets and highlighted blue. This information, if disclosed, would prejudice our commercial position and/or would be detrimental to our network security. The specific information and reasons for claiming confidentiality are set out in the table in **Appendix A** to this letter.
- 8 For completeness, we consider the confidential information marked in the change request would be protected from disclosure under the Official Information Act. If the Commission intends to disclose this information to any third party under that Act, we ask that you notify us before doing so, so that we can consider our response and take any action as appropriate.

Next steps

- 9 We request that the Commission publish the updated Section 231 Notice as soon as possible. Please let us know if you need any additional information or would like to discuss this request further.

Yours sincerely,



Appendix A: Confidential information

Ref	Information	Reasons for claiming confidentiality
6	Addresses of new POIs	This is information that is not in the public domain which is related to core network security for critical public services. Our approach for exchanges continues to be to retain this as confidential to mitigate the risk that making these addresses of critical infrastructure available could be used by someone to damage our network.
26.2	[REDACTED]	This is information that is not in the public domain which is related to core network security for critical public services. This information could be used by someone who wanted to overload our network.
31	As explained above, Gleniti and Spotswood are "opportunistic" POIs in that the existing exchange sites are being upgraded to aggregation points anyway, so it makes sense to piggyback on this investment to turn these into POIs [REDACTED]. While neither are under immediate capacity constraints, this decision positions Chorus to provide for future capacity growth. Importantly, it does so [REDACTED] with the advantage of enabling handovers in the POI area at a Chorus exchange site. All other things being equal, providing for growth at Chorus sites is preferred to third party sites, not least because it allows us to have more control over required technical upgrades to meet increasing technological demand.	This information is not in the public domain and we consider it to be confidential and commercially sensitive as it contains cost information which could be used by our competitors.
32	As explained above, Gleniti and Spotswood are existing exchanges that provide access services, and we are planning to upgrade these to aggregation points at a capital cost of [REDACTED] per site. The decision to optimise the use of these sites by designating them as POIs [REDACTED]	This information is not in the public domain and we consider it to be confidential and commercially sensitive as it contains cost information which could be used by our competitors.
33	Claudeland will require specific capex to create a handover point. As explained above, we can use equipment which is more cost-effective than the technology we normally deploy, and we are placing it inside an existing exchange. Because of the way in which we are setting this up the costs are expected to be low, we estimate the total capex to be [REDACTED]	This information is not in the public domain and we consider it to be confidential and commercially sensitive as it contains cost information which could be used by our competitors.
Appendix A		
Q3(a)	We note that while we try to accommodate RSP demand as much as possible, it can be difficult to predict this in advance. We have sought forecasts of handover demand from RSPs to support us making prudent and efficient investment decisions as to where to invest. [REDACTED]	This is information that is not in the public domain and refers to information or lack thereof that was provided to us by our customers. Disclosure of this information could be prejudicial to our commercial position as it could affect RSPs willingness to provide information in future.