



30 November 2016

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## TRUSTPOWER SUBMISSION: DRAFT DETERMINATION ON SECTION 30R REVIEW OF THE UBA STANDARD TERMS DETERMINATION

### 1 Introduction

- 1.1.1 Trustpower Limited (Trustpower) welcomes the opportunity to provide a submission to the Commerce Commission on its *Draft Determination on Section 30R review of the UBA Standard Terms Determination* (the review).
- 1.1.2 We are largely comfortable with where the Commission has landed, and provide only brief comments on a few issues.

### 2 Congestion service specification

- 2.1.1 We largely agree with the Commission's draft decision to add a new service description setting a link utilisation threshold of 95% that traffic on a local aggregation path (LAP) cannot exceed over a 15 minute period. Our preference however would be over a 5 minute period.
- 2.1.2 We are also comfortable that an exemption to this threshold for Chorus' ATM LAPs be made until a final decision regarding phase 2 of the Rural Broadband Initiative (RBI) is made. We would expect to be consulted before the Commission makes a decision in this regard. Phase 2 of the RBI should provide for open and non-discriminatory access to an alternative wholesale service. Where there is no open and non-discriminatory access available to an alternative wholesale service, we believe that Chorus' ATM network should be upgraded to ensure that all access seekers are able to compete.

### 3 Congestion reporting requirements

- 3.1.1 We are comfortable with the congestion reporting requirements proposed. We would contend that Chorus should provide network plans for LAPs with utilisation exceeding 85%. That is, at a minimum, Chorus should be required to report on all UBA regulated LAPs (including ATM):
  - a) Percentage utilisation of each UBA LAP; and

- b) Chorus' network plans for LAPs with utilisation exceeding 85%.

#### **4 Treatment of VDSL**

- 4.1.1 We note the Commission's view that it is generally accepted that VDSL is a regulated service, and we agree that clarifying this in the STD could limit or confuse the inclusion of other technologies in the future.

#### **5 UBA handover connections**

- 5.1.1 We agree with the Commission's approach to adding a 10GigE handover option at the prices calculated in the TSLRIC model, as well as capping the price for multiple 1GigE handover connections at the 10GigE handover price.

#### **6 Introduction of new UBA variants**

- 6.1.1 While we remain of the view that an approval process for new commercial UBA variants would provide a useful check that that the proposed commercial service did not fall within a regulated service, we are comfortable with the Commission's decision not to amend clause 10 of the UBA General Terms.

- 6.1.2 We note the Commissions intention in this review is to ensure that the regulated UBA service is one that is 'fit for purpose'. That is, the UBA Standard Terms Determination (UBA STD) should oblige Chorus to provide a platform on which access seekers can develop competing, differentiated retail services that meet the current and future needs of end users.<sup>1</sup>

- 6.1.3 The Commission has clarified that:<sup>2</sup>

The term 'range of general internet use' captures the fact that different end-users use their broadband connections for a range of purposes from, for example, simple internet browsing through to more data heavy applications such as video conferencing/streaming video. The regulated UBA service should be able to support access seekers to develop competitive retail broadband services that meet these differing uses.

- 6.1.4 We agree with the Commission's view.

- 6.1.5 However, we believe that RSPs may require different wholesale services to meet the needs of end-users in the future. To this end, we are concerned that there may still be scope for confusion around the operation of the UBA STD with respect to new UBA services in the future. For example, certain RSPs may seek to offer end-users a content and broadband package, thus catering to the range of purposes that end-users use their broadband connections for. This may necessitate a different class or priority of service to the current regulated UBA service.

- 6.1.6 We believe that where such services are made available to one RSP, they should be made available to all RSPs on a non-discriminatory basis.<sup>3</sup> This may require the addition of new regulated UBA variants.

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<sup>1</sup> Commerce Commission, Draft Determination on Section 30R review of the UBA Standard Terms Determination, 9 November 2016, [79].

<sup>2</sup> Commerce Commission, Draft Determination on Section 30R review of the UBA Standard Terms Determination, 9 November 2016, [81].

<sup>3</sup> We note that the Deed of Open Access - Undertakings for Copper Services provides that non-discrimination obligations apply to the UBA service as described in the UBA STD. This arguably only applies to the regulated UBA service.

6.1.7 Thus, we believe that when the Commission exercises its power under clause 10.3 of the UBA General Terms to undertake a s30R review, that this review may include introducing a new regulated UBA variant.

## **7 Greater transparency of Chorus' systems**

7.1.1 We remain of the view that work is required to ensure greater transparency of Chorus' systems and to increase operational efficiency. However, following conversations with Chorus on the intended scope and process, we are comfortable with an industry led approach, provided that it is inclusive, and action is timely.

7.1.2 We remain of the view that there is wider work required to improve the operational efficiency of the telecommunications industry. However, we recognise that this piece of work falls outside of the scope of this review.

7.1.3 For any questions relating to the material in this submission, please contact me on 07 572 9888.

Regards,



**PETER GREGORY**  
**BUSINESS MANAGER - TELECOMMUNICATIONS**

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