

6 December 2019

Simon Thomson
Head of Telecommunications Regulation
Commerce Commission
WELLINGTON 6140



ultrafastfibre.co.nz

CROSS-SUBMISSION ON COMMERCE COMMISSION SPECIFIED POINTS OF INTERCONNECTION CONSULTATION PAPER

This cross-submission is made by Ultrafast Fibre Limited in response to the submissions delivered in response to the Commerce Commission's (**Commission**) Specified Points of Interconnection paper dated 12 November 2019 (**Submissions**). We respond to the statements made in the Submissions.

In the Vodafone Submission dated 26 November 2019 (page 3) it is submitted that because "...the total costs of establishing a new POI are not fully born on the LFC they may choose to make this decision when it is inefficient for the industry overall. In other words there are spill-over costs they are not taking into consideration." And that therefore "...the Commission (should) not allow for new POIs to be established while physical capacity for the handover service still remains at the existing POI."

We submit that this is incorrect because the LFC Reference Offers already include an obligation to ensure that the LFC's backhaul links between exchanges have sufficient redundancy to meet the requirements of Service Providers.

We disagree with the following statement made in the Vodafone Submission dated 26 November 2019 (page 4):

As above all FFLAS services run between a user-network interface and a specified POI. Our understanding is that both the PONFAS and DFAS layer 1 services are considered FFLAS services. The specified POIs must therefore cover both layer 1 and layer 2 services. However, it would be inconsistent with other obligations on the LFCs have different handovers for layer 1 and layer 2.

Our network is designed in accordance with our contracts with the Crown. The layer 1 service is handed over at the central office, while the layer 2 handover point is at the POI as defined in the NIPA. Vodafone's claim that separate handover points for layer 1 and layer 2 services would breach our non-discrimination obligations in the Fibre Deed is without merit. In any event, the Fibre Deed relates to our Part 4AA obligations, and has no relevance to the Commission's notification of specified points of interconnection under Part 6.

Hiramai Rogers
General Counsel
ULTRAFAS FIBRE LIMITED

Peter Ensor
Chief Technology Officer
ULTRAFAS FIBRE LIMITED