

09 October 2019

Process revision and change to equivalence and non-discrimination draft guidance consultation timeline

The Commerce Commission previously indicated that it planned to prepare draft guidance on the equivalence and non-discrimination provisions in telecommunications regulation, and to release it for consultation by the end of Quarter 3, 2019¹.

Certain developments – including recent contributions from industry participants, a delay in the provision of advice from international advisors and significant ongoing workload in the Commission’s Regulation Branch – have had a material impact on the content and scope of the draft guidance. We require additional time to assess the implications of the latest information on our proposed stance on equivalence and non-discrimination and to make any appropriate adjustments to the consultation document.

As such, the plan for the draft guidance has changed. We now expect to publish draft guidance on equivalence and non-discrimination in December 2019. The consultation period on the draft guidance will run for a period of 8 weeks and the guidance will be finalised in 2020 after submissions have been received and considered.

Recognising the keen industry interest in this topic, later this month we plan to publish a report on this topic by an external independent economic expert, Professor Ingo Vogelsang. In conjunction with publishing the report, we also intend to issue a document outlining our preliminary views of key insights from the report, and will seek stakeholder’s submissions on the report and those views.

¹ https://comcom.govt.nz/_data/assets/pdf_file/0021/151581/Commission-response-to-Vocus-Group-New-Zealand-and-Vodafone-New-Zealands-letter-of-11-April-2019-Layer-1-unbundling-price-4-June-2019.pdf