

ENABLE NETWORKS LIMITED

**SUBMISSION ON THE COPPER SERVICES INVESTIGATION UNDER
SECTION 69AH OF THE TELECOMMUNICATIONS ACT**

22 May 2024

1. Introduction

1.1 Thank you for the opportunity to provide feedback on the Copper Services Investigation under section 69AH of the Telecommunications Act (the **Copper Services Investigation**). Enable Networks Limited (**Enable**) supports the Copper Services Investigation as it's important to review regulation to ensure that it's still fit for the purpose intended, in this case being the promotion of competition in telecommunications markets for the long-term benefit of end users of telecommunication services.

2. Assessing Competition

2.1 We support the Commerce Commission's (**Commission**) proposal to focus on current and future state of competition, including planned and foreseeable network developments. It is important to recognise the large number of significant changes in the competitive landscape in the telecommunications industry, both at an urban and rural level. Such developments include:

- (a) the rollout of mobile and fixed wireless broadband services in 2021 and 2022 by the three Mobile Network Operators (**MNOs**) both 4G and more recently 5G, noting that touted 5G download speeds are comparable with fibre;
- (b) a significant reduction in the retail price of FWA services since 2017;
- (c) MNO wholesale FWA agreements with Mobile Virtual Network Operators in 2022; and
- (d) the emergence of satellite broadband as an alternative network, particularly Low Earth Orbiting satellites such as Starlink, available in both rural and urban areas. Starlink has also recently launched its Deprioritized plan at NZ\$79 per month.¹

2.2 Growth in rural areas has also been supported through the Crown's investment in the Rural Capacity Upgrade programme and through the mobile operator's support of the Rural Connectivity Group.

2.3 The intensity of competition discussed above is expected to increase. In this regard and in relation to the current state of competition, we refer to the details provided as part of the Joint Submission by Tuatahi First Fibre Limited and Enable on the Commission's Framework Paper on Fibre Fixed Line Access Service Deregulation review under section 201 of the Telecommunications Act dated 16 February 2024.

3. Response to other matters in the approach paper

3.1 We support the Commission's comments in paragraph 63 in relation to ensuring alignment of timing and approach with the FFLAS Deregulation review. The competition aspects and technologies identified will be relevant to both the Copper Services Investigation and the FFLAS Deregulation review.

3.2 Obviously in areas where there is not a suitable alternative technology, there would need to be appropriate protections maintained or put in place to ensure that consumers are still able to access broadband technology.

¹ Starlink Residential Plans

3.3 As noted above, we agree that it is important to review regulation to ensure it remains fit for purpose and still reflects the policy principles and drivers at the time. With the significant changes in competition and the continued decline in demand for copper services, there no longer seems the need for economic regulation.

END