



COMMERCE COMMISSION

Please refer to:
1081595_1

15 October 2010

Hayden Glass
General Manager of Public Policy
Vodafone
Private Bag 92161
Auckland

Dear Hayden,

Request for information on the Commission SLE/SLU/UBA investigation

This is a request for information in support of the Commission's investigation, announced today, into a potential breach by Telecom of the Separation Undertakings in relation to the supply of Unbundled Bitstream Access services (UBA) taken in combination with Sub-Loop Unbundled services (SLU) and/or the Sub-Loop Extension services (SLES).

The Commission requests the following information in relation to the investigation:

- 1 Can you confirm whether you have purchased, or tried to purchase, UBA from Telecom in conjunction with SLES? If so, on what terms and conditions and at what prices?
- 2 We have the following record of your correspondence with Telecom regarding your request for UBA in conjunction with SLES and SLU, can you confirm this is accurate/fill in the gaps?

11 March 2009 - Vodafone met with Telecom, mainly discussed loyalty offers but also SLES+UBA

27 May 2009 - Telecom Dialogue Product Forum – Vodafone spoke with Telecom re SLES+UBA

29 May 2009 - Vodafone met with Telecom, mainly discussed loyalty offers but also SLES+UBA

16 June 2009 - Vodafone met with Telecom, mainly discussed loyalty offers but also SLES+UBA

24 June 2009- Vodafone emailed written request to Telecom for SLES+UBA service,

as previous communications were verbal only

8 July 2009 - Vodafone met with meeting with Telecom + Chorus re SLES+UBA

14 July 2009 - Vodafone met with Telecom, discussed loyalty offers & SLES+UBA

19 August 2009 - Email to Vodafone from Telecom promising a response on SLES+UBA in September

27 August 2010 - Telecom commercial offer communicated to Vodafone (and other customers)

8 September 2010 - Telecom response to Vodafone proposing a \$7.5 discount

- 3 Copies of any board/executive papers regarding the UBA with SLU+SLES issue, and investment in exchanges subject to cabinetisation, including any decision papers, reports, or business plans.

Please also provide the Commission with any other information you believe is pertinent to this investigation.

The Commission may seek additional or supplementary information, as it deems reasonably appropriate for completing its investigation.

Please note any information in your response for which you seek confidential treatment. The Commission does not intend to publicly release or share the information requested in this letter, so we see no need for a confidentiality order at this time. The Commission may, however, consider putting a s100 Confidentiality Order in place at party's request prior to any consultation the Commission may consider appropriate during the course of the investigation.

Please provide the information no later than close of business Thursday, 18 November 2010. Should you require additional time to compile the information please contact Reto Bleisch at 04-924-3865 or at reto.bleisch@comcom.govt.nz.

Yours sincerely

Dr. Ross Patterson

Telecommunications Commissioner