

22 February 2021

[REDACTED]

By email only:

Copy to:

[REDACTED]

Dear [REDACTED]

Official Information Act #20.140 - Enquiry #540428 (2 Degrees Mobile Limited)

1. We refer to your Official Information Act 1982 (**OIA**) request received on 21 January 2021, in response to our letter of 2 December 2020 (OIA 20.112), for the following information:
 - 1.1 [REDACTED]
 - 1.2 copies of the Fibre Network reports from 1 January 2017 to 1 January 2021;²
 - 1.3 the name of the current contractor providing "Fibre Test Services" for the Commerce Commission (**Commission**);
 - 1.4 the correct name of the group that is assigned the Telecom and Fibre Cases;³
 - 1.5 how this group is funded; and
 - 1.6 a list of each internet service provider that provided contributions to the Commission over the past three years, including the amount provided.

1 [REDACTED]

2 You have stated these can be monthly, six monthly or annual, and that a URL link is sufficient if the reports are on our website.

3 You have asked whether the name is "Network" or "Telecom" or something else and noted it was combined with "Power" at one stage.

Our response

2. We have decided to grant your request.
3. [REDACTED]
4. [REDACTED]
5. In response to paragraph [1.2] of your request, the reports for the Commission's broadband speed testing programme, Measuring Broadband New Zealand, are published to the Commission's website here: <https://comcom.govt.nz/regulated-industries/telecommunications/monitoring-the-telecommunications-market/monitoring-new-zealands-broadband>. We note the Commission also receives information disclosure from Chorus and local fibre companies each year.
6. The published data covers the period from May 2019 to December 2020. The Commission does not hold data for the period prior to May 2019. The data for the next period will be published in April 2021.
7. In response to paragraph [1.3] of your request, the testing provider is SamKnows. Further information about SamKnows can be found on its website here: <https://samknows.com/>.
8. In response to paragraph [1.4] of your request, the name of the group is the Telecommunications team, within the Commission's Regulation Branch. However, certain fair trading issues for telecommunications are handled by the Commission's Fair Trading team within the Competition and Consumer Branch.⁴
9. In response to [1.5] of your request, the Telecommunications Regulatory Levy (TRL) is applied to the telecommunications industry to recover the costs for Commission telecommunications regulatory work performed under the Telecommunications Act 2001 (TA). Your complaint was assessed for potential breaches of the Fair Trading Act which prohibit misleading and deceptive conduct. The assessment was made by members of the Competition and Consumer branch (which is not funded by levies).
10. The amount of TRL payable by a telecommunications operator is determined according to the requirements prescribed in the Telecommunications Operator

⁴ <https://comcom.govt.nz/about-us/our-people/our-structure>

(Commerce Commission Costs) Levy Regulations 2019 (the Levy Regulations) made under the TA.

11. The Ministry of Business, Innovation and Employment (MBIE), our monitoring agency, bills telecommunications operators and collects levy revenue each year for the TRL, in accordance with the Levy Regulations.
12. The Commission recently consulted on our levy funding. More information can be found on our website here: <https://comcom.govt.nz/regulated-industries/our-role-in-regulated-industries/telecommunications,-energy-and-input-methodologies-funding-review-consultations-2020>.
13. In response to paragraph [1.6] of your request, MBIE bills telecommunications operators and collects levy revenue each year for the TRL in accordance with the Levy Regulations. You may wish to contact MBIE for further information.⁵
14. Please note the Commission will be publishing our response to paragraphs [1.2] to [1.6] of your request in the OIA register on our website.⁶ We will not be publishing our response to paragraph [1.1] which contains information about your complaint to the Commission. Your personal details will be redacted from the published response.
15. Please do not hesitate to contact us at ويا@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard
OIA Coordinator

⁵ <https://www.mbie.govt.nz/about/contact-us/>

⁶ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>