

25 September 2019

[REDACTED]

Dear [REDACTED]

Official Information Act #19.045 - Telco Levy Charges

1. We refer to your request received on 17 September 2019 for information about whether the Commerce Commission (Commission) is investigating, or has investigated, telecommunications levy charges.
2. On 18 September 2019 you asked for your request to be treated as urgent because [REDACTED]
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

4. We have decided to grant your request.
5. In 2015/2016, the Commission investigated the Telecommunications Development Levy (TDL) charged to customers by Spark New Zealand Limited, Vodafone New Zealand Limited, 2Degrees Mobile Limited, and Vocus (New Zealand) Limited.
6. Each telecommunication provider was investigated separately. Spark, Vodafone, and 2Degrees were investigated for alleged breaches under sections 11, 12A, and/or 13(g) of the Fair Trading Act 1986 (FTA), and all four telecommunication providers were investigated for breaches of section 27 or 30 of the Commerce Act 1986 (CA).
7. The Commission decided to take no further action in relation to the alleged breaches of the FTA. The Commission's view was that, taken as a whole, none of the individual communications conveyed a misleading impression.
8. The Commission also decided to take no further action against the telcos for alleged breaches of Part 2 of the CA. The Commission's view was there were no apparent breaches of this law.

9. The no further action letters sent by the Commission to the telecommunication providers pointed out some areas to assist with their compliance; including that if a trader chooses to make any representations they need to be clear and accurate to avoid a risk of liability (the FTA), and that care is needed in any interactions with competitors (the Commerce Act).
10. The Commission is not currently investigating telecommunications levy charges.
11. The Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
12. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely,

Mary Sheppard
OIA Coordinator