

13 June 2014

**By email**

Mr Steve Fuller  
Enable Networks Limited  
PO Box 9228  
Tower Junction  
Christchurch  
8149  
Email: Steve.Fuller@enable.net.nz

Dear Mr Fuller

**Enable Networks Limited – warning for non-compliance with information specifications under s 83 of the Telecommunications Act**

**Purpose**

1. The purpose of this letter is to address the omissions by Enable Networks Limited (Enable Networks) in complying with the information specifications issued under s 83 of the Telecommunications Act (Act) for the 2012/2013 TDL year (information specifications).

**Warning for failing to comply with the information specifications**

2. Enable Networks self-reported that it should have included relevant information for Enable Services Limited (Enable Services) in its information disclosures when responding to the information specifications.
3. Enable Networks corrected the omissions in its disclosures by providing us with the missing information for Enable Services on a voluntary basis.
4. Rather than taking stronger enforcement action, we have decided to issue this warning letter.

**Our decision to issue a warning**

5. We consider that Enable Networks has contravened s 156A(1)(k) of the Act by failing to provide the information for Enable Services required under s 83, without a reasonable excuse.

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6. We may take Court proceedings seeking a financial penalty or issue an infringement notice for such contravention.
7. However, based on our assessment of the non-compliance we have decided to exercise our enforcement discretion not to take such action against Enable Networks.
8. More particularly, having assessed the circumstances of the non-compliance, we are satisfied that the omissions were inadvertent and that Enable Networks took appropriate steps to remedy them as soon as they were discovered.
9. We appreciate Enable Network's actions in bringing the omissions to our attention and taking immediate steps to correct them.

#### **Our expectations regarding Enable Network's future compliance**

10. We consider that compliance with the disclosure requirements under the Act is of utmost importance. This is particularly so where the regulatory scheme (such as Part 3 of the Act) relies on the complete and accurate reporting of information and where the failure to do so may have significant consequences for parties across the industry.
11. All Qualifying Liable Persons (QLPs) are responsible for ensuring that they comply with the information specifications under s 83. It is therefore important that each QLP ensures that they have appropriate risk management and quality controls in place to ensure that their disclosures in response to the information specifications under s 83 are complete and accurate.
12. Enable Network's future compliance with the information specifications under s 83 will prevent a stronger enforcement response.

#### **Further information**

13. This warning letter is public information and will be published on our website.
14. Please contact Mark Worsley, Senior Legal Counsel, on (04) 924 3784 or by email at [mark.worsley@comcom.govt.nz](mailto:mark.worsley@comcom.govt.nz) if you have any questions about this letter.

Yours sincerely,



Stephen Gale  
Telecommunications Commissioner