

## **Notice to supply information and documents to the Commerce Commission Sections 98(a) and (b) Commerce Act 1986**

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**To:**

CallPlus Limited  
CallPlus House  
110 Symonds Street  
Auckland

Attention: Graham Walmsley, General Manager Wholesale and Regulatory

### **Purpose of the Notice**

1. We (the Commerce Commission) are reviewing the price to be paid for the Unbundled Copper Local Loop (UCLL) and Unbundled Bitstream Access (UBA) services provided by Chorus Limited, as defined in subpart 1 of Part 2 of Schedule 1 of the Telecommunications Act 2001 (Telecommunications Act). We are required to make a price review determination as soon as practicable in respect of the UCLL services (refer sections 47 and 51 of the Telecommunications Act 2001) and we are required to make reasonable efforts to make a price review determination in respect of the UBA service before the expiry of three years from separation day, which is 30 November 2014 (refer section 78(3) of the Telecommunications (TSO, Broadband, and Other Matters) Amendment Act 2011).
2. The purpose of this Notice is to obtain from the CallPlus Group of companies information and documents relevant to our price review determinations for the UCLL and UBA services.
3. The Notice is issued under sections 98(a) and (b) of the Commerce Act, and section 15(f) of the Telecommunications Act.
4. We consider it is necessary and desirable for CallPlus Limited to provide us with the information and documents specified in **Attachment A** to this Notice to assist us in making the price review determinations.

### **Date and place of response**

5. The information and documents in response to this Notice must be delivered to the Commission's Wellington office at Level 6, 44 The Terrace for the attention of Keston Ruxton, or by email to [telco@comcom.govt.nz](mailto:telco@comcom.govt.nz) with the subject "Response to section 98 Notice – UCLL and UBA", by 5pm on 6 June 2014.

6. CallPlus Limited must provide all information and documents in Attachment A in electronic .csv, .shp, or pdf format, as appropriate, via email or on a flash drive.
7. As described in paragraph 2 of Attachment A, CallPlus Limited must label and identify all information and documentation, and explain which information relates to which paragraph of this Notice.
8. CallPlus Limited must supply the requested information and documents under cover of a letter on CallPlus Limited's letterhead, signed by a person with the appropriate authority.

Dated at Wellington 23 May 2014

Signed by:



Elisabeth Welton  
Commissioner

**Attachment A**

1. For the purposes of this Attachment:
  - 1.1 **CallPlus Group** means any of CallPlus Limited, CallPlus Holdings Limited, CallPlus Services Limited, Flip Services Limited, 2Talk Limited and Slingshot Communications Limited, their interconnected bodies corporate (as defined in section 2(7) of the Commerce Act), business units or joint ventures, and any current or former agents, employees, officers and directors thereof.
  - 1.2 **Active line** means a single instance of a UCLL, UBA, UFB or SLU service being purchased at the time of record.
  - 1.3 **SLU** means the Sub-loop Unbundled Copper Local Loop service.
  - 1.4 **UBA** means the Unbundled Bitstream Access service.
  - 1.5 **UCLL** means the Unbundled Copper Local Loop service.
  - 1.6 **UFB** means Ultrafast Broadband.
  - 1.7 **Unbundling** means installing equipment at a Chorus-owned exchange or cabinet for the purposes of using either UCLL or SLU.
2. As part of your response, please provide a file (in .csv format) listing the name of each file provided, the information contained within the file, the date the information was queried and the date the file was prepared. Where different dates apply to pieces of information within the same file, these should be recorded in separate rows.
3. Please provide a glossary of terms used in your response.
4. The Commission requires the following information:

**Information and documents requested**

5. Please identify any unbundling that any company in the CallPlus Group is considering undertaking within the next five years including, where possible, the specific sites where unbundling is planned.
6. Please provide any forward-looking analysis undertaken since 1 January 2012, by any company in the CallPlus Group or for any company in the CallPlus Group, assessing unbundling in relation to specific exchanges/cabinets or generally, including (but not limited to) business cases, internal finance and strategy documents and external analyst reports. Please only provide final documents.
7. Please prepare a .csv file setting out a monthly time series of the following data, starting from 1 January 2007 until 31 May 2014, and in each case as at the end of the month:
  - 7.1 The number of CallPlus Group active UBA lines;
  - 7.2 The number of CallPlus Group active UFB lines.

8. Please explain the reasons (including migrations to VDSL) for any changes since 1 January 2012 in the total number of CallPlus Group active UCLL lines. In addition, please provide any existing analysis undertaken by or for any CallPlus Group company of any such changes.
9. Please explain the changes in the number of CallPlus Group active UCLL lines since 1 January 2012, and to the best of your knowledge the reasons for such changes (including migrations to VDSL), at the following exchanges:
  - 9.1 Glenfield;
  - 9.2 Te Atatu.
10. Please provide the underlying source data and calculations used to prepare “% Utilisation of individual MSAN Capacity”, the graph used to support paragraph 69 in CallPlus’s “Submission on the Further Consultation on Issues Relating to Chorus UCLL and UBA Services” dated April 2014.