

17 June 2019

Commerce Commission – update on Specified Fibre Areas

Good afternoon

The Telecommunications Act 2001 requires the Commission to make an initial declaration of Specified Fibre Areas (**SFA**) - that is, areas where a fibre service is available to end-users – by 31 December 2019. The effect of an SFA will be that Chorus is permitted to withdraw copper services from premises within that area, provided that it has complied with the [Copper Withdrawal Code \(CWC\)](#) and the [111 Contact Code](#) is in force.

Chorus and the Commission have differing legal interpretations as to the effect of declaration of an SFA on the copper services to be deregulated under the Act; in particular, whether the Standard Terms Determinations (**STDs**) for those copper services continue to apply. After representations from the Commission, Chorus has committed that where it is providing UBA or UCFLS to premises on STD terms, and those premises lie within an area that is declared an SFA, it will continue to provide the service in compliance with the STD terms, unless the end-user chooses to have the service disconnected (other than a temporary disconnection). This commitment is provided until the earlier of 30 June 2020, or when the Commission finalises the CWC. Both parties have reserved their positions with respect to the correct interpretation of the relevant provisions of the Telecommunications Act.

The commitment is contained in the attached letter from Kate McKenzie, Chief Executive of Chorus, to the Telecommunications Commissioner, Stephen Gale. A copy of the letter from Chorus can be found on our [website](#).

The Commission welcomes this commitment from Chorus, as it should provide certainty for industry participants during the migration from copper to fibre. The Commission expects to provide further details regarding the process and timing for the initial SFA declaration, and the formulation of the CWC and the 111 Contact Code, in coming months.

Kind regards

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