



COMMERCE COMMISSION

**CLARIFICATION OF THE STANDARD TERMS DETERMINATIONS ON
TELECOM'S UNBUNDLED BITSTREAM ACCESS SERVICE**

DECISION NO. 688

Clarification under section 58 of the Telecommunications Act 2001 (the 'Act')
of Decision 611

The Commission:

Dr Ross Patterson
Anita Mazzoleni
Gowan Pickering

Summary of Application and Initiation: The Commission received an application for clarification in relation to the "connection only" - early termination charge component - from Telecom (Wholesale), and has made changes on its own initiative and following consultation, to Decision 611 under section 58 of the Act.

Date of clarification:

21 December 2009

Clarification of the Early Termination Charge Provisions

The Current Terms of the UBA STD

1. The Unbundled Bitstream Access service ('UBA') Standard Terms Determination ('STD') requires that where an Access Seeker's end-user terminates delivery of the broadband service before completion of the contract term an Early Termination Charge is payable in order to recover Telecom's "connection only" costs.
2. The Commission held in the UBA STD that the Early Termination Charge does not apply where the Access Seeker is transferring its customer from one Telecom wholesale service to another, for example, from the UBA to UCLL service, as follows: ¹

...for a Connection only, there should be no charge unless there is an early termination charge, consistent with Telecom's retail broadband plans. The early termination charge only applies where the Access Seeker terminates the service completely. It does not apply where the Access Seeker is transferring its customer from one Telecom wholesale service to another Telecom wholesale service, for example, from the UBA to UCLL service.

Request for Clarification

3. Telecom (Wholesale) sought clarification of the UBA STD in relation to the circumstances when an Early Termination Charge is payable. With operational separation now in place², Telecom's particular concern is that it has no way of knowing if an end-user is terminating the UBA Service and moving to the Unbundled Copper Local Loop Service ("UCLL"). Accordingly, Telecom sought clarification to confirm that it can charge the Early Termination Charge even when an Access Seeker transfers a customer from UBA to Telecom (Chorus') UCLL service.

Commission's Decision on the Early Termination Charge

4. In two earlier draft Clarification Determinations the Commission agreed with Telecom's conclusion that a clarification was necessary. Submissions received from Access Seekers on the draft Determinations strongly argued that the UBA STD was clear regarding the circumstances where an Early Termination Charge was payable and that the request made by Telecom (Wholesale) was a material change that would be more appropriately considered under a s30R review. The submissions received from interested parties are summarised at paragraphs 37 - 41 of this Determination.
5. The Commission has reconsidered Telecom's request for clarification of the UBA STD in relation to the Early Termination Charge in light of the submissions received. The Commission considers that its decision in the UBA STD is clear: the Early Termination Charge is not payable where an Access Seeker's end-user transfers from the regulated UBA Service to the regulated UCLL Service. The Commission therefore considers that a clarification of the decision reached on this matter is unnecessary.
6. To reiterate, the Commission has previously determined in the UBA STD that Telecom should receive an Early Termination Charge in those circumstances when, during the term of a contract associated with a free installation, the Access Seeker's end-user is

¹Commerce Commission, *Standard Terms Determination for the designated service Telecom's unbundled bitstream access*, Decision 611, 12 December 2007, p.51, paragraph 225.

²Letters from Head of Industry Relations and Undertakings, Telecom Wholesale, dated 9 September 2008.

relinquishing their UBA-based broadband service or is transferring to a “wholesale” provider other than Telecom.

7. The Commission considers that Telecom (Wholesale) is not entitled to receive an Early Termination Charge in those instances where the Access Seeker’s end-user:
- is transferring to another Telecom (Wholesale) broadband service that is not based on the regulated UBA Service (for example to a commercial unbundled bitstream access service or another wholesale broadband service) but remains on the same DSLAM³; or
 - is transferring to another service provided by another unit within Telecom, (for example when an Access Seeker transfers its end-user from the UBA Service provided by Telecom (Wholesale) to the UCLL Service provided by Telecom (Chorus)).

In all other circumstances, the Early Termination Charge is payable where an Access Seeker’s end user terminates their broadband service that is wholly based on the UBA Service during the term contract associated with a free installation.

8. Vodafone⁴, Kordia⁵, TelstraClear⁶, and Callplus (in support of Kordia’s submission) agreed with the Commission that the Early Termination Charge should not be payable where an Access Seeker’s end user transfers from the UBA Service provided by Telecom (Wholesale) to the UCLL Service provided by Telecom (Chorus). Telecom (Wholesale) did not agree, noting that in this case they would not be recovering the broadband-related costs any more than if the end user had terminated the service completely.
9. The Commission’s view remains that where an Access Seeker’s end user is transferring to another service provided by another business unit within Telecom, an Early Termination Charge is not required to be paid by the Access Seeker no longer receiving supply of the UBA service from Telecom (Wholesale). Telecom continues to provide service to the end-user (even if no longer based on UBA as an input); hence the Commission does not believe it is reasonable to require Access Seekers to pay an early termination charge in this situation.
10. The Commission appreciates that Telecom (Wholesale) will not during the ordinary course of business know if an Access Seeker’s end-user is moving to the UCLL Service provided by Telecom (Chorus) because Telecom (Wholesale) is prevented from obtaining access to this data under Telecom’s Operational Separation Undertakings. The Commission has determined that each Access Seeker is to inform Telecom (Wholesale) of any change-over by the Access Seeker’s end-user to the regulated UCLL service (or a commercially equivalent service). Compliance with this requirement will enable Telecom (Wholesale) to verify the change in service and to confirm that the Access Seeker is not required to pay an Early Termination Charge.
11. Kordia⁷, and Callplus (in support of Kordia’s submission) submitted that requiring Access Seekers to provide notifications to Telecom Wholesale when an Access Seeker’s end user transfers to the UCLL Service provided by Chorus would introduce unnecessary cost and

³ Telecom (Wholesale’s) letter of 14 September 2009.

⁴ Vodafone Submission, 4 December 2009, page 1

⁵ Kordia Submission, 4 December 2009, page 1

⁶ TelstraClear Submission, 8 December 2009

⁷ Kordia submission, 4 December 2009, page 2

administrative burden to them. In addition, Kordia submitted that through an audit and manipulation of its data, Telecom Wholesale would have this information. Vodafone⁸ proposed that Chorus is best placed to carry out this notification and that this could be facilitated through Access Seekers granting Chorus permission to disclose the necessary information.

12. In contrast, TelstraClear⁹ agreed with the Commission's proposed notification obligation being placed on Access Seekers, and submitted that this would place the incentives appropriately with the Access Seeker.
13. The Commission's view remains that the onus is on Access Seekers to notify Telecom (Wholesale) if its end user is transferring to the UCLL service provided by Chorus. The Commission considers that this is workable and efficient and leads to a practical outcome that is consistent with Telecom's Operational Separation Undertakings.
14. The Commission notes that if Telecom (Wholesale) does not receive any confirmation from the Access Seeker about any changeover to the UCLL Service, Telecom (Wholesale) will be entitled to levy the Early Termination Charge except where otherwise provided in the UBA Price List.

Service component adjustments – pro-rating

15. In response to the original request for clarification, the Commission considers that the UBA Price List warrants further definition in relation to pro-rating in component "C" (see clause 4A.3 of the attached Schedule 1). In order to avoid any confusion the Commission has amended service components 1.1 to 1.8 and, 1.43 and 1.44 of the UBA STD Price List to clarify when the Early Termination Charge is payable¹⁰. The Commission has based its clarification to the UBA Price List on Telecom's proposed clarification. As part of this clarification, the Commission has amended the formula for the "connection only" charge so that component "C" now includes the text "(before any pro-rating)" after the reference to "Early Termination Charge". The Commission considers that the clarifications to the UBA Price List as set out in new Section 4A of the UBA Price List are likely to best give effect to section 18 of the Act.

⁸ Vodafone submission, 4 December 2009, page 1

⁹ TelstraClear submission, 8 December 2009

¹⁰ Refer to new Clause 4A of the UBA Price List – Schedule 2.

Commission's Decision on Quarterly Adjustments for the Early Termination Charge

16. The Early Termination Charge will continue to be based on the proportion of the term that was not fulfilled.
17. The Commission has amended the UBA STD by introducing a quarterly adjustment process for the purpose of making a clarification under section 58 of the Act.
18. The Commission has determined that the Early Termination Charge is to be calculated on a quarterly basis to reflect changes in the retail offerings from Telecom and the number of retail customers on each retail plan. It considers that this approach is consistent with other Adjustment Calculations provided for in the Price List in Schedule 2 of the UBA STD.
19. To implement the quarterly adjustment changes, the Commission has inserted a new section 4B in the Price List that will provide the formula for this quarterly calculation. This new section 4B provides for the quarterly calculation to occur in a manner that is consistent with other Adjustment Calculations in the UBA Price List. The Commission notes that the 0.82 figure in clause 4B2.4 of the quarterly calculation takes into account the 18% benchmarked discount applied in the UBA STD.
20. The Commission has also determined that the Early Termination Charge calculation will also apply to bundled retail offerings (i.e. broadband plans (with tolls)), and that the Early Termination Charge will be apportioned to the broadband plan in a similar manner to the attribution of the tolls discount for bundled plans for the UBA STD quarterly adjustment. This is provided for by the different treatment of broadband plans with and without tolls in clauses 4B2.3 and 4B2.4.
21. A working example of the application of the calculation of the Early Termination Charge is provided in Schedule 2.¹¹
22. The implementation period for the quarterly adjustment calculation is four weeks from the date of this Decision.

Decision

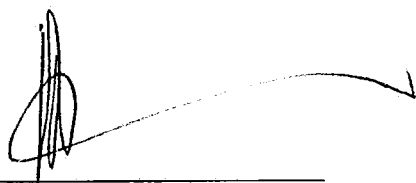
23. The Commission considers that the following provisions of the UBA STD set out in column 1 of the attached Schedule 1 ('References') require clarification under section 58 of the Act:
 - a. New Section 4A, UBA Price List (Schedule 2 of the UBA STD);
 - b. New Section 4B, UBA Price List (Schedule 2 of the UBA STD);
 - c. Clause 7, UBA Price List (Schedule 2 of the UBA STD); and
 - d. Service Components 1.1–1.8, 1.43 and 1.44 in the Table of UBA Charges, UBA Price List (Schedule 2 of the UBA STD).
24. The Commission has clarified the References by making the amendments identified in column 2 of the attached Schedule 1 ('Proposed Amendments'). The reasons for the Commission's clarification are set out in this decision and in column 3 of the attached

¹¹ The working example in Schedule 2 utilises dummy data. Data in similar calculations in the UBA STD was classified as either Restricted Information or Commission Only Information. The Commission considers providing the working example with dummy data is sufficient to illustrate the calculation of the Early Termination Charge for the purposes of the second consultation.

Schedule 1. The Commission emphasises that the UBA Terms are to be interpreted in light of the Commission's decision report and the purposes.¹²

25. The Commission notes that no appeal is pending in respect of the determination satisfying section 58(1)(c) of the Act.
26. The Commission considers that the clarifications set out in Schedule 1 are likely to best give effect to the purpose set out in section 18 of the Act. In terms of section 18(2), the clarification will promote efficient delivery of the UBA Service.

DATED at Wellington this 21st day of December 2009

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke that curves upwards at the end. The signature is positioned above a solid horizontal line.

Dr Ross Patterson
Telecommunications Commissioner
Commerce Commission

¹² Clause 2.1 of the UBA STD General Terms

Appendix 1

Background

27. The Commerce Commission (the '**Commission**') is a body corporate established under the Commerce Act 1986 having its head office at Wellington. The Commission has various functions and powers under the Telecommunications Act 2001 (the '**Act**').
28. On 12 December 2007, the Commission issued a standard terms determination ('**STD**') under section 30M of the Act in respect of the designated access services of Telecom's unbundled bitstream access service ('**UBA**'), which is referred to as the "**UBA Service**".¹³

Previous decisions

29. On 11 April 2008, the Commission clarified the UBA STD under section 58 of the Act after receiving a request from Telecom on 18 February 2008. The Commission's clarification decision ('**Decision 636**') made a number of clarifications to the UBA STD including to Items 1.1 to 1.8 of the UBA STD Price List contained in Schedule 2 to the UBA General Terms.
30. On 5 June 2008, the Commission further clarified the UBA STD under section 58 of the Act after receiving a request from Telecom on 22 May 2008. The Commission's clarification decision ('**Decision 644**') made a number of clarifications to the UBA STD including to Items 1.1 to 1.8 of the UBA STD Price List contained in Schedule 2 to the UBA General Terms.

Jurisdiction

31. Under section 58 of the Act the Commission may amend a determination for the purpose of making a clarification if:
- at any time the Commission, on its own initiative or on the application of any person, considers that a determination requires clarification; and
 - no appeal is pending in respect of the determination.
32. Under section 19(c) of the Act, the Commission is required to make a decision that best gives, or is likely to best give, effect to the purpose set out in section 18 of the Act.

Telecom's additional request for clarification

33. On 9 September 2008 Telecom (Wholesale) applied for a clarification request in relation to the Early Termination Charge.
34. On 30 October 2008 the Commission invited submissions from interested parties, including the Telecommunications Carriers' Forum ('**TCF**'), on Telecom (Wholesale)'s

¹³ Commerce Commission, *Standard Terms Determination for the designated service Telecom's unbundled bitstream access*, Decision 611, 12 December 2007.

requested clarification of the UBA STD and a draft clarification decision (**'the initial consultation'**).

35. On 28 November 2008 the Commission advised submitting parties that, in light of the issues raised in submissions in response to the initial consultation, the Commission had sought further information from Telecom, and once that information had been provided the Commission would then consider how it would respond to the requested clarification and submissions from interested parties.
36. On 20 August 2009, the Commission invited submissions from interested parties, including the TCF, on a second draft of the clarification of the UBA STD, which included provision for the Early Termination Charge (as defined in proposed new clause 4B2.7 in the UBA STD Price List) to be calculated on a quarterly basis (**'the second consultation'**). The second consultation sought submissions specifically on the ETC calculation methodology and implementation aspects of the clarification.

Summary of previous Submissions

37. On 19 November 2008, the Commission received a submission from the TCF in response to the initial consultation, advising that CallPlus, Orcon, TelstraClear, Vodafone and WorldxChange did not support the Draft Clarification whereas Telecom (Wholesale) supported the Draft Decision.
38. On 19 November 2008, the Commission also received submissions from Vodafone, Orcon, TelstraClear, CallPlus and Telecom (Wholesale) in response to the initial consultation:
- Vodafone did not support the clarification and considered the UBA STD was clear, and the requested clarification was a substantive change that should occur as part of a section 30R review. Vodafone proposed that Telecom (Wholesale) should either waive the Early Termination Charge in all instances or that Access Seekers be required to provide Telecom (Wholesale) with proof that an end-user had transferred from a UBA to UCLL service;
 - Orcon did not consider that the matter qualified as a clarification and that the UBA STD was clear and would be reversed if Telecom's requested clarification was approved. Orcon considered that where Telecom (Chorus) provided the UCLL service there should not be an Early Termination Charge. Orcon considered that Telecom (Wholesale) and Telecom (Chorus) should work with Access Seekers to share information regarding UCLL migrations from UBA based services;
 - TelstraClear did not support the clarification and considered the UBA STD was clear, and the requested change was material and should be treated as a reconsideration or as part of a section 30R review. TelstraClear proposed that Telecom (Wholesale) be able to bill Early Termination Charges, unless an Access Seeker provided information to Telecom (Wholesale) regarding end-users who are migrating to a UCLL based service;
 - CallPlus did not support the clarification and believed it was a significant change that was contrary to the UBA STD. CallPlus considered Telecom (Wholesale) should either waive the Early Termination Charge, or assist Telecom (Wholesale)

to identify end-users who are transferring to a UCLL based service, subject to this information remaining confidential from Telecom's retail operations.

- Telecom (Wholesale) reiterated the reasons that it was seeking the clarification, and included additional requested clarifications to the UBA STD Decision stating that the charge applies when an "Access Seeker's end-user terminates their UBA based broadband service" and requested the removal of the example of an Access Seeker transferring a customer from the UBA to UCLL service; and
- Telecom (Wholesale) also submitted that the Access Seekers' proposal that Telecom (Wholesale) should be entitled to levy the Early Termination Charge unless the Access Seeker provides evidence that an end-user has transferred to a UCLL based service. Telecom (Wholesale) referred to the fact that an Access Seeker could agree "in writing [that information] is not Customer Confidential Information [CCI] for the purpose of [the] Undertakings".

39. All of the Access Seekers making submissions during the second consultation round reiterated their earlier submissions and argued that the proposed clarification is substantive in nature and therefore must be dealt with under section 30R of the Act.

40. In the second-round of consultation, Vodafone also expressed concern regarding the two week implementation timeframe proposed in the draft Clarification and advocated for a longer period for the quarterly adjustment calculation.¹⁴ Vodafone also submitted that "it would be quite feasible for each Access Seeker to provide Telecom (Wholesale) with the relevant transfer information from Chorus"(p.3)¹⁵.

41. Telecom (Wholesale), in the second round of consultation, stated that it considered the proposed drafting permitted a broad interpretation to be adopted which potentially extended the Early Termination Charge to other services in a manner beyond that intended including the Telecom (Wholesale) services of WBS and UBS. Telecom (Wholesale) also submitted that they were pleased that the Commission had accepted Telecom's reasons for clarifying the existing ETC.

¹⁴ Vodafone submission to the Commission on Unbundled Bitstream Access Standard Terms Determination -- Request for clarification in relation to Early Termination Charge -- second consultation; 14 September 2009.

¹⁵ Ibid.

Schedule 1

Reference	Amendment	Reason
<p>New Section 4A for Service Components 1.1 to 1.8, 1.43 and 1.44 in the Table of UBA Charges in the Price List in Schedule 2 of the UBA STD</p>	<p>Insert the following section:</p> <p>4A Formula for "Connection only"</p> <p>4A.1 No charge applies to this Service Component for "Connection only" when an Access Seeker's end-user signs up to the term contract associated with a free installation. In addition, no charge applies where during the term contract the Access Seeker's end-user is transferring to:</p> <p>4A.1.1 another Telecom (Wholesale) broadband service that is not based on the UBA Service and that Access Seeker's end-user remains on the same DSLAM (for example, the Access Seeker's end-user transfers from the UBA Service to a commercial unbundled bitstream service or another broadband service supplied by Telecom (Wholesale)); or</p> <p>4A.1.2 another service provided by another separate unit within Telecom which is supplied through the same Access Seeker, (for example the Access Seeker transfers its end-users from the UBA Service provided by Telecom (Wholesale) to the Unbundled Copper Local Loop Service provided by Telecom (Chorus)); or</p> <p>4A.1.3 another Access Seeker where that Access Seeker is served off the same Telecom DSLAM as the end-user that is transferring to another service.</p> <p>4A.2 In order to avoid paying a charge for the scenario outlined in clause 4A.1.2, the Access Seeker must inform Telecom (Wholesale) that its end-user is transferring to another service provided by another unit within Telecom such as, Telecom (Chorus).</p> <p>4A.3 For the avoidance of doubt, a charge for this Service Component applies in all other cases where the Access Seeker's end user terminates their broadband service that is wholly based on the UBA Service during the term contract associated with a free installation. The charge is calculated as follows:</p>	<p>The reasons why the early termination charge is payable is set out at paragraphs 4 to 9 of this Decision.</p> <p>The early termination charge is clarified as being before any pro-rating for the avoidance of doubt, so that there is no double-discounting of this charge.</p>

<p>Reference: Attachment</p>	<p>$= (T \text{ months} - A) / T \times C$</p> <p>Where A = the number of months completed of the term contract associated with a free installation</p> <p>T = the number of months of the term contract associated with a free installation</p> <p>C = the Early Termination Charge (before any pro-rating) associated with a free installation</p>	<p>The early termination charge component will need to be calculated on a quarterly basis, to reflect changes in the retail offerings from Telecom and the number of retail customers on each retail plan. This approach is also consistent with the adjustments made to other charges under the UBA STD. Consistency is likely to best give effect to the purpose set out in section 18 of the Act.</p>
<p>New Section 4B in the Price List in Schedule 2 of the UBA STD</p>	<p>Insert the following section:</p> <p>4B Quarterly Adjustment to the Early Termination Charge (which is also referred to in component "C" of the formula set out in clause 4A).</p> <p>Quarterly Early Termination Charge Adjustment</p> <p>4B.1 Telecom must calculate an adjustment to the Early Termination Charge (as defined in clause 4B2.7) for the purposes of Service Components 1.1 to 1.8, 1.43 and 1.44 listed in the table below:</p> <p>4B1.1 using the applicable formula in clause 4B.2;</p> <p>4B1.2 using data from a single quarter ending at the end of June, September, December and March each year; and</p> <p>4B1.3 within one month of the end of June, September, December and March each year</p> <p>(Quarterly Early Termination Charge Adjustment).</p> <p>Adjustment Formula</p> <p>4B.2 Telecom must use the applicable formula set out below to calculate a Quarterly Early Termination Charge Adjustment:</p> <p>4B2.1 The terms "e", "f", "g" and "h" have the same meaning as in section 4.</p> <p>4B2.2 The Retail Early Termination Charge means Telecom's retail early</p>	<p>The early termination charge component will need to be calculated on a quarterly basis, to reflect changes in the retail offerings from Telecom and the number of retail customers on each retail plan. This approach is also consistent with the adjustments made to other charges under the UBA STD. Consistency is likely to best give effect to the purpose set out in section 18 of the Act.</p>

<p>References</p>	<p>termination charge for each broadband plan (with and without tolls) supplied by Telecom at retail. Data relating to all Retail Early Termination Charges is published on Telecom's retail business unit's publicly available website.</p> <p>4B2.3 The retail price for the bundle associated with each broadband plan (with tolls) is calculated as follows:</p> $y = f + e + h$ <p>Where: y = The retail price for the bundle associated with each broadband plan (with tolls), including the revenue from bundled services i.e. average tolls revenue, the ISP charge and average overage revenue</p> <p>4B2.4 The unweighted Retail Early Termination Charge is calculated as follows:</p> $aa \text{ (with tolls)} = z \times ((g \times 0.82) / y)$ $aa \text{ (without tolls)} = z \times 0.82$ <p>Where: z = The Retail Early Termination Charge excluding GST</p> aa = The unweighted Retail Early Termination Charge <p>4B2.5 The weighted Retail Early Termination Charge is calculated as follows:</p> $dd = aa \times (bb / cc)$ <p>Where: dd = The weighted Retail Early Termination Charge</p> bb = Customer connection numbers for each broadband plan for customers that have been connected for less time than the period for which the early termination charge applies cc = Total Telecom retail broadband customer connections for customers that have been connected for less time than the period for which the early termination charge applies <p>4B2.6 Where a broadband plan has had a change in the level of its Retail Early Termination Charge or a change in the conditions associated with its Retail</p>
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Reference	Amendment	Reason
	<p>Early Termination Charge, such as a change in the number of months of the term contract associated with a free installation, then a separate calculation must be made under clauses 4B2.3 and 4B2.5 for each change, as if there were separate broadband plans before and after the change.</p> <p>4B2.7 The Early Termination Charge is calculated as follows: Early Termination Charge = The sum total of all weighted Retail Early Termination Charges (Early Termination Charge)</p>	
Clause 7 of the Price List in Schedule 2 of the UBA STD	Insert after the words "a Quarterly Adjustment," the words "a Quarterly Early Termination Charge Adjustment,".	These are consequential amendments to reflect the Quarterly Early Termination Charge Adjustment under new clause 4B.
Clause 7.3	Insert after the words "... the Activation Date.", the sentence "For the avoidance of doubt, the Quarterly Early Termination Charge Adjustment" qualifies as an Adjustment Calculation under this clause.	These are consequential amendments to reflect the Quarterly Early Termination Charge Adjustment under new clause 4B.
Service Components 1.1 to 1.8, 1.43 and 1.44 in the Table of UBA Charges in the Price List in Schedule 2 of the UBA STD	<p>Insert in Price Change Mechanism column: "Apply the review of Early Termination Charge mechanism set out in Section 4B of the UBA Price List. (The Early Termination Charge qualifies as component "C" of the formula [(T months - A) / T x C] which is set out in Section 4A." Delete from Charge column: "Connection only No charge; or a charge calculated as follows: = (t months - a) / t x c Where a = the number of months completed of the term contract associated with a free installation t = the number of months of the term contract associated with a free installation c = the early termination charge associated with a free installation less the benchmarked wholesale discount" Replace with the following in the Charge column:</p>	The reasons why the early termination charge is payable is set out at paragraphs 4 to 9 of this Decision.

Reference	Amendment	Reason
Apply Section 4A for the Connection only charge.		

Schedule 2

Working Example of calculation of the Quarterly Early Termination Charge:

Under this example there are four different broadband plans, each available with and without tolls, and for two of the plans there has been a change to the retail early termination charge. All prices are excluding GST.

Plan	Retail broadband price (for 'with tolls' plans) - "g" from current UBA Price List	Retail early termination charge (excluding GST) - "z"	Retail price for the associated bundle (for 'with tolls' plans) - "y"	Unweighted early termination charge - "aa"	Customer connections on plan < period for which early termination charge applies "bb"	Total customer connections on all plans < period for which early termination charge applies - "cc"	Weighted wholesale early termination charge for plan - "dd"
Plan A (with tolls)	\$54.00	\$90.00	\$130.00	\$30.66	6,000	100,000	\$1.84
Plan A (without tolls)		\$90.00		\$73.80	1,500	100,000	\$1.11
Plan B (with tolls)	\$68.00	\$90.00	\$145.00	\$34.61	12,500	100,000	\$4.33
Plan B (without tolls)		\$90.00		\$73.80	2,000	100,000	\$1.48
Plan C (with tolls) - old retail early termination charge	\$25.00	\$90.00	\$110.00	\$16.77	21,500	100,000	\$3.61
Plan C (without tolls) - old retail early termination charge		\$90.00		\$73.80	2,500	100,000	\$1.85
Plan C (with tolls) - new retail early termination charge	\$25.00	\$150.00	\$110.00	\$27.95	19,000	100,000	\$5.51
Plan C (without tolls) - new retail early termination charge		\$150.00		\$123.00	1,000	100,000	\$1.23
Plan D (with tolls) - old retail early termination charge	\$44.00	\$90.00	\$120.00	\$27.06	10,000	100,000	\$2.71
Plan D (without tolls) - old retail early termination charge		\$90.00		\$73.80	1,500	100,000	\$1.11
Plan D (with tolls) - new retail early termination charge	\$44.00	\$150.00	\$120.00	\$45.10	20,000	100,000	\$9.02

Plan D (without tolls) – new retail early termination charge	\$150.00		\$123.00	2,500	100,000	\$3.08
Early Termination Charge				100,000		\$36.65