Submission template

## Enhancing telecommunications regulatory and funding frameworks

### Instructions

This is the submission template for the discussion document *Enhancing telecommunications regulatory and funding frameworks.*

The Ministry of Business, Innovation and Employment (MBIE) seeks written submissions on the issues raised in the discussion document by 5pm on **19 June**. Please make your submission as follows:

1. Fill out your name and organisation in the table, “Your name and organisation”.
2. Fill out your responses to the discussion document questions in the table, “Responses to discussion document questions”. Your submission may respond to any or all of the questions in the discussion document. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples.
3. When sending your submission:
   1. Delete these first two pages of instructions.
   2. Include your e-mail address and telephone number in the e-mail or cover letter accompanying your submission – we may contact submitters directly if we require clarification of any matters in submissions.
   3. If your submission contains any confidential information:
      * Please state this in the cover letter or e-mail accompanying your submission and set out clearly which parts you consider should be withheld, together with the reasons for withholding the information. MBIE will take such objections into account and will consult with submitters when proactively releasing submissions or responding to requests under the Official Information Act 1982.
      * Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
      * Please provide a separate version of your submission excluding the relevant information for publication on our website (unless you wish your submission to remain unpublished). If you do not wish your submission to be published, please clearly indicate this in the cover letter or e-mail accompanying your submission.
      * Note that submissions are subject to the Official Information Act 1982.
4. Send your submission:

* as a Microsoft Word document to [communicationspolicy@mbie.govt.nz](mailto:communicationspolicy@mbie.govt.nz) (preferred), or
* by mailing your submission to:

Communications Policy  
Building, Resources and Markets  
Ministry of Business, Innovation & Employment  
PO Box 1473

Wellington 6140  
New Zealand

Please direct any questions that you have in relation to the submissions process to [communicationspolicy@mbie.govt.nz](mailto:communicationspolicy@mbie.govt.nz).

## Submission on discussion document: *Enhancing telecommunications regulatory and funding frameworks*

### Your name and organisation

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| --- | --- |
| **Name** |  |
| **Organisation** |  |

### Responses to discussion document questions

#### Introduction

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|  | Do you have any feedback about the proposed criteria to assess the options in the next phase of this work? Are there other criteria that we should consider? |
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#### Section 1: Consumer access to dispute resolution

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|  | Do you consider that the lack of a mandatory requirement for telecommunications service providers to belong to an industry dispute resolution scheme is a problem that needs to be addressed? |
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| 3 | For telecommunications service providers who are not members of the Telecommunications Dispute Resolution scheme, why have you chosen not to be a member? Are you a member of another scheme, why or why not? |
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| 4 | For consumers who have had issues with their telecommunications service providers, what were your options for dispute resolution, and what was your experience? |
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| 5 | What are your views on the options we have identified? Do you have a preference, if so, why? Are there any options we have not identified? |
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#### Section 2: Accessing shared property for fibre installations

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| **Issue 1: Expiry of statutory rights for fibre installations** | |
| 6 | What are your views on the options we have identified? Do you have a preference, if so, why? Are there any options we have not identified? |
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| 7 | If you are a fibre provider who uses these rights, what are the implications of these options on your business? Please provide data and evidence to support your submission where possible. |
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| 8 | If the statutory rights were reinstated, what do you think is an appropriate expiry date (if any)? |
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| **Issue 2: Invoking statutory rights for high impact installations** | |
| 9 | What are your views on the options we have identified? Do you have a preference, if so, why? |
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| 10 | If the statutory rights were expanded to cover some high impact installs, what type of ‘high impact’ installs should be permitted? If you are a fibre provider, please provide examples of what changes to the rights would make a significant difference to enabling more fibre connections. |
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| **Issue 3: Invoking the statutory rights without a retail connection order from an internet service provider** | |
| 11 | What are your views on the options we have identified? Do you have a preference, if so, why? Please provide data and evidence to support your submission where possible. |
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#### Section 3: Telecommunications levy settings

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| **Issue 1: Identifying liable persons** | |
| 12 | Do you agree that our levy liability settings need to be adjusted to ensure all satellite broadband providers providing services to New Zealanders are captured (where they meet the revenue threshold)? |
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| 13 | Do you agree adjustments to our levy liability settings are required to ensure our levy regime is flexible enough to respond to market changes (such as new market entrants)? If so, what changes do you consider would be appropriate in this regard? |
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| 14 | Do you support MBIE’s preferred option (option 2)? Why or why not? Are there any options we have not identified? |
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| 15 | What advantages and disadvantages do you consider could arise from introducing flexibility into the way telecommunications operators might become liable for the levy, for example the ability to be made liable through regulation? |
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| **Issue 2: Regulatory process to set the total Telecommunications Development Levy amount** | |
| 16 | How well do you consider the process for setting the amount of the Telecommunications Development Levy (in the Act) works? What are the implications of having the amount set in the Act, in terms of consultation, timing, and flexibility for changing needs? |
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| 17 | Do you agree with MBIE’s preferred option (option 2)? Why or why not? Are there any options we have not identified? |
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| 18 | What measures would you consider necessary to accompany any new regulation making power under MBIE’s preferred option? For example, clarifying when relevant stakeholders should be consulted and what considerations should be taken into account. |
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#### Section 4: Identifying participants in the market

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| 19 | Do you consider there is a need for a registration requirement for telecommunications providers operating in New Zealand (when entering the market, as well as updating contact and other business details over time)? Why or why not? |
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| 20 | What are your views on the options we have identified? Do you have a preference, if so, why? Are there any options we have not identified? |
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| 21 | What would be the implications of a registration requirement for your business? |
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| 22 | Do you see any benefits or problems with information provided for registration being released/disclosed publicly? If so, what types of information should or should not be disclosed? |
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#### Section 5: Enhancing information flow to the Emergency Location Information System

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| 23 | Do you agree with the potential risks relating to the provision of information into the Emergency Location Information System that we have identified? Why or why not? |
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| 24 | Do you agree with MBIE’s preferred option (option 2), to regulate the provision of emergency location information? Why or why not? |
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| 25 | If option 2 were progressed, which types of entities (eg mobile network operators, or other providers that hold information derived from mobile devices) should be captured by new regulatory requirements? |
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| 26 | What is your view on the potential impacts of progressing option 2, including on providers that would be in scope, and on the system as a whole? |
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#### Section 6: Governance settings in ‘other’ local fibre company constitutions

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| **Issue 1: Governance of permitted business activities** | |
| 27 | Do you agree that it is appropriate to consider changes to the constitutional settings that govern the other LFCs? Why or why not? |
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| 28 | Do you agree with MBIE’s preferred option (option 2), which would allow the other LFCs to operate in any market, with a restriction on supplying telecommunications services to end users? Why or why not? |
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| 29 | What impact would there be on competition in other markets if the other LFCs were able to operate in those markets? Do you consider that this needs to be mitigated in some way? |
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| **Issue 2: Process to seek agreement to operate at layer 3 or 4** | |
| 30 | If you are one of the three ‘other’ local fibre companies, do you have any feedback about the current process? How does the process impact your decisions to seek consent (or not) to operate at layer 3 or 4? |
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| 31 | Do you support any of the options described above? Why or why not? Are there any other options that we should consider? |
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#### Section 7: Other matters

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| **Issue 1: Considering non-regulated fibre networks in specified fibre areas** | |
| 32 | Can you provide examples of where non-regulated fibre service providers are deploying fibre, and what type of specifications this fibre is being built to (ie is it openly available or built for private use, is it wholesaled, or sold directly to consumers)? |
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| 33 | What are your views on the options we have identified? Do you have a preference, if so, why? Are there any options we have not identified? |
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| 34 | What provisions or minimum standards would need to be in place if fibre built by non-regulated fibre service providers were considered as part of the specified fibre area assessment? |
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