

# Submission template

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Enhancing telecommunications regulatory and  
funding frameworks

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

## Your name and organisation

|                     |                   |
|---------------------|-------------------|
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| <b>Organisation</b> | Hato Hone St John |

## Responses to discussion document questions

### Introduction

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| 1 | 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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|---|---|
| 2 | 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?                 |
|   |   |
| 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? |
|   |   |
| 4 | For consumers who have had issues with their telecommunications service providers, what were your options for dispute resolution, and what was your experience?   |
|   |   |
| 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

### 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?

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.

8 If the statutory rights were reinstated, what do you think is an appropriate expiry date (if any)?

### 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?

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.

### 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.

### Section 3: Telecommunications levy settings

#### Issue 1: Identifying liable persons

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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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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?

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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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?

#### Issue 2: Regulatory process to set the total Telecommunications Development Levy amount

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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?

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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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.

#### 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? |
| 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?   |
| 21 | What would be the implications of a registration requirement for your business?  |
| 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?  |

#### 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?                                      |
|    | The risks identified are valid. New non-terrestrial based providers add complexity around compliance. The Act needs to make sure it is also fit for purpose for non-NZ based entities.                      |
| 24 | Do you agree with MBIE's preferred option (option 2), to regulate the provision of emergency location information? Why or why not?  |
|    | We agree, offshore vendors may not comply unless defined in law or contract.  |
| 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? |
|    | Mobile network operators, broadband / wireless providers who offer SIP (IP Phone) services, and Satellite services (e.g. LEO / Starlink, Lynk, & Amazon).   |
| 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?  |
|    | Small providers not having the technology to setup to geo-locate their services, what may cause unexpected costs.   |

## Section 6: Governance settings in 'other' local fibre company constitutions

### Issue 1: Governance of permitted business activities

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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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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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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?

### Issue 2: Process to seek agreement to operate at layer 3 or 4

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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?

31

Do you support any of the options described above? Why or why not? Are there any other options that we should consider?

## Section 7: Other matters

### Issue 1: Considering non-regulated fibre networks in specified fibre areas

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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)?

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?

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?