

9 November 2011



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Dr Ross Patterson  
Telecommunications Commissioner  
Commerce Commission  
WELLINGTON

Dear Commissioner,

### **Cross-Submission on Standard Term Determinations**

1. Vector welcomes the opportunity to cross-submit on the Commerce Commission's consultation paper "Draft decision on consequential changes to Commerce Commission Standard Term Determinations" (Draft Standard Terms), 12 October 2011. No part of Vector's submission is confidential and we are happy for it to be publicly released.
2. Having read Chorus' submission in relation to End-User Terms (EUTs), and other subsequent material, Vector continues to agree with the Commerce Commission that Chorus' proposals lack merit or legitimate commercial foundations.
3. Chorus' proposed EUTs will not resolve many of the concerns Chorus raises to justify the EUTs. The EUTs, for example, would not provide Chorus with a legal access right to property where the end-user is not the property owner, or where the lead-in part of the network crosses a ("feuding") neighbour's property.
4. Furthermore, Vector shares TelstraClear's questions as to whether the proposed EUTs are changes "necessary to implement the amendments made by this Act to [Schedule 1](#) of the principal Act" (section 72(1) of the Telecommunications (TSO, Broadband, and Other Matters) Amendment Act 2011). The EUTs are arrangements aimed at addressing issues that Chorus perceives would arise where it/Telecom are not the retailer. As a wholesale service provider, this is a situation Chorus has been in for some time. As TelstraClear has noted "For several years Telecom has had no direct relationship with end users who receive their broadband via UCLL wholesale services and this does not appear to have been a problem".
5. If changes are made to accommodate Chorus' concerns, the changes should not provide Chorus with:
  - a. an advantageous position over other network infrastructure providers; and/or
  - b. a direct contractual relationship with end-users; requirements on end-users (if any) should be through back-to-back contractual arrangements with Chorus' customers acting as intermediary.

6. If the Commission has any queries regarding Vector's submissions or would like further information please contact Robert Allen, Senior Regulatory Advisor, on 09 978 82088 or [robert.allen@vector.co.nz](mailto:robert.allen@vector.co.nz).

Kind regards

A handwritten signature in blue ink that reads "R. Girdwood".

Bruce Girdwood

**Regulatory Affairs Manager**