



Ref No. DOIA 2122-2119

31 May 2022

Jonathan Brewer

fyi-request-19294-f7158e1b@requests.fyi.org.nz

Dear Jonathan

Thank you for your email of 9 May 2022 to the Ministry of Business, Innovation & Employment (the Ministry), requesting the following under the Official Information Act 1982 (the Act):

Radio Spectrum Management's 15 December 2021 presentation "Technical Working Group on 3.3-3.8 GHz" describes two options for harmonisation of synchronisation and frame structures across the 3.3-3.8 GHz frequency band.

Option A is described as limiting cell sizes to a radius of ~9 km, and Option B is described as allowing for cell radius up to ~14.5 km, and the potential for co-existence between 4G and 5G services.

Please release any and all emails, documents, research, and presentations to cabinet that discuss the topic and how choices could impact the availability of high speed broadband for rural and remote users.

Additionally please advise:

- 1.) Have rural stakeholders been engaged to discuss technical choices that could limit the use of the frequency band to either ~9 or ~14.5 km from a tower? If so, how has this engagement process been run, and what feedback has been received in response?*
- 2.) Has the Commerce Commission been consulted on the potential for a reduction in competition in the rural services market should a technical choice restrict the availability of equipment or result in economically untenable situation for rural and remote providers?*

Further to an email from the Ministry of 18 May 2022, I note your email of 25 May 2022 stating:

I would like to revise the request as suggested. Please release a copy of the cabinet paper "Allocation of 3.5 GHz spectrum to support the rollout of 5G and the advancement of rural connectivity".

Further to this refined scope, this letter is to notify you that the Ministry is transferring your request to the office of Hon Dr David Clark, Minister of Digital Economy and Communications, in accordance with section 14 of the Act. This transfer is occurring because the Ministry believes that the information requested is more closely aligned with the functions of Minister Clark.

You have the right under section 28(3) of the Act to seek an investigation and review by the Ombudsman of my decision to transfer your request. The relevant details can be found at: www.ombudsman.parliament.nz

Yours sincerely

A handwritten signature in black ink, appearing to read 'MSK', with a large, sweeping flourish extending to the right.

Madeline Sherwood King
Team Leader, Ministerial Services
Building, Resources and Markets