

28 October 2015

Jesse Archer  
General Manager  
Full Flavour Ltd

By email: [fyi-request-3197-77937967@requests.fyi.org.nz](mailto:fyi-request-3197-77937967@requests.fyi.org.nz)

Dear Mr Archer

### **Official Information Act #15.51: TrueNet**

1. We refer to your request of 5 October asking about our agreement with TrueNet and whether it specifies:
  - what providers (ISPs) the broadband testing is to cover?
  - if a certain number of testing probes are funded based on the ISP's market share?
  - the detail of how reporting of smaller ISPs is to be covered?
2. You also asked for the amount of money spent by the Commission on TrueNet for the 2012, 2013 and 2014 calendar years.
3. We have treated this as a request for information under the Official Information Act 1982 (OIA). We are able to answer all of your questions.

### **Agreement with TrueNet**

4. When we first entered into our agreement with TrueNet, it already had its testing operation underway. It had 128 probes at that stage. Our agreement provided for that to be increased to 400 probes spread between panellists in at least five cities (Auckland, Hamilton, Wellington, Christchurch and Dunedin). The agreement did not specify which ISPs must be measured but TrueNet's proposal indicated various guidelines they followed in allocating probes.
5. TrueNet rely on volunteers. Our agreement with TrueNet does not specify how the volunteers are to be selected. TrueNet may accept volunteers from any ISP (including smaller ISPs), and it is our understanding they may refuse some volunteers, such as where they consider they already have sufficient numbers for that ISP, region or technology.

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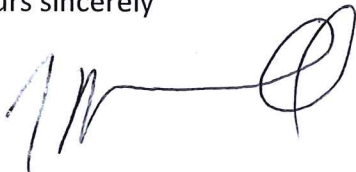
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6. The Commission's agreement with TrueNet provides for TrueNet to prepare public reports, but does not specify the ISPs to be included in the report. However, TrueNet does not report on the performance of smaller ISPs until it has a sufficient number of probes to consider that the results are reliable. This is generally at least 5 working and reliable fibre connections or 8 DSL connections.
7. In addition to its usual volunteer process, TrueNet also enters into separate arrangements with ISPs to add extra probes, on a cost-per-probe basis. We understand that TrueNet gains the extra probes by asking the sponsor to advertise to all customers with the technology and/or locations being sought and TrueNet then chooses extra panellists from those who make contact to ensure there is no conflict of interest in selection. Such arrangements are outside the scope of our agreement with TrueNet, and are entered into on a commercial basis. The information gathered by additional probes paid for by ISPs may also be included in TrueNet's public reports, though that is not required by our agreement.
8. The amount the Commission spent on TrueNet's services for the relevant calendar years (including GST) was as follows:

2012	\$172,436.75
2013	\$240,340.35
2014	\$229,446.82

9. If you are not satisfied with the Commission's response to your OIA request, section 28 of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.
10. If you have any questions in regards to this request, please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz)

Yours sincerely



John Hamill  
General Manager Regulation Branch