

21 December 2015

Tex Edwards
17 Masefield Street,
Howick,
Auckland
fyi-request-3317-b87b25ad@requests.fyi.org.nz

Dear Mr Edwards,

Official Information Act #15.60 national roaming communications

1. We refer to your request received by us on 4 November 2015 for all correspondence with regard to national roaming services for mobile phone operators in New Zealand between operators, officials, MBIE people, Ministers and Commerce Commission (Commission) officials.
2. We are treating this as a request for information under the Official Information Act 1982 (OIA).

Our decision

3. We have interpreted your request for “correspondence” to include any letters, e-mails, or similar written communications between the Commission and any or all of telecommunications network operators, Government officials, employees or contractors of the Ministry of Business, Innovation, and Employment, and Ministers of the Crown. In order to identify the information requested we therefore conducted a search for written communications between the Commission and the above-mentioned external parties.
4. We have also interpreted your request to include only correspondence with specific regard to national roaming services, ie, correspondence that is primarily about or concerning the national roaming service or that includes a substantive discussion about the national roaming service. We have therefore excluded correspondence where there is only an incidental reference to the national roaming service.
5. In identifying the information requested, we have consulted with internal personnel who would have knowledge of such communications and searched our information management system via a key word search using the term “national roaming”. We further limited our review of the ‘captured’ documents to documents from 2013

onwards. We have not undertaken a more comprehensive review as we have not been able to contact you and doing so would require substantial collation and research.¹

6. The information we are providing you is set out in the table below. Where we have redacted information, or provided you with a public version of a confidential submission, the reasons for withholding the information are set out below.

Information to be provided	Reasons for redaction or withholding
2Degrees letter to Commerce Commission: MTAS 5-yearly Review	The confidential version has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. (The public version of this report is publically available, but has been provided for convenience.)
Media Release: Pre-pay plus	No redactions
2degrees – Economic Benefits Report May 2013	No redactions
Review of the National Roaming Service as a Specified Service under the Telecommunications Act 2001 (23 August 2013)	The confidential version has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. (The public version of this report is publically available, but has been provided for convenience.)
Covec “Economic Analysis of 700 MHz Spectrum Allocation (26 November 2013)	The confidential version has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Vodafone New Zealand “National roaming specified service review” (23 August 2013)	The confidential version has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of Vodafone.
Vodafone “Initial response to Covec report ‘economic analysis of 700MHz spectrum allocation’ prepared for 2Degrees” (6 December 2013)	No redactions
Email “Vodafone New Zealand 2011-12 TDL liable revenue information” and attachments	The templates and auditor’s report attached to the e-mail has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of Vodafone.
Sapere “State of the Mobile Market” (23 July 2013)	No redactions
Sapere “Thoughts for Commerce	No redactions

¹ Under Section 18A(1) of the OIA, where a request involves substantial collation or research the responding body must consider fixing a charge when deciding whether to refuse a request under section 18(f).

Commission discussion on the mobile market" (1 July 2013)	
Vodafone "Public policy Paper Series 8: On-net pricing in mobile" (April 2008)	No redactions.

7. We have withheld the following information. The reasons for withholding are set out in the table below.

Document title	Reason for not releasing
Email "RE: NR data & Catchup" and attachments	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. In addition, this information has been withheld under s 9(2)(ba)(i) of the OIA on the basis that disclosure would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
2Degrees "Improving the effectiveness of Commerce Commission Mobile market monitoring" (3 March 2014)	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. In addition, this information has been withheld under s 9(2)(ba)(i) of the OIA on the basis that disclosure would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
Covec "The Commerce Commission Mobile Market Monitoring" (28 February 2014)	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. In addition, this information has been withheld under s 9(2)(ba)(i) of the OIA on the basis that disclosure would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
Email "RE: Coverage question"	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial

	position of 2Degrees. In addition, this information has been withheld under s 9(2)(ba)(i) of the OIA on the basis that disclosure would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
Email "2degrees - TDL Audit Report and Submission 2013" and attachments	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Email "FW: Two Degrees Mobile Limited TDL Submission April 2013" and attachments	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Letter from Matthews Law "Views on counterfactuals" (20 December 2013)	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Letter from Matthews Law "2degrees' response to Commission questions" (26 November 2013)	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Letter from Matthews Law "2degrees' response to Commission questions" (18 November 2013)	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
2degrees TDL QR return	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Email "2degrees Submission - 700MHz spectrum" and attachments	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Email "Two Degrees Mobile Limited TDL Submission April 2013" and attachments	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees.
Email "National Roaming - Initial response to Commerce Commission Queries"	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. In addition, this information has been withheld under s 9(2)(ba)(i) of the OIA on the basis that disclosure would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest

	that such information should continue to be supplied.
Vodafone "i - Digital Dividend Executive Pack" (28 May 2013)	This information has been withheld under s 9(2)(b)(ii) of the OIA on the basis that its disclosure would be likely to unreasonably prejudice the commercial position of 2Degrees. In addition, this information has been withheld under s 9(2)(ba)(i) of the OIA on the basis that disclosure would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

8. Information prior to the 2013 to 2015 years is refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation and research.
9. In reaching our decision, we considered whether consulting you would assist you in making a request in a form that would remove the reasons for refusal under s 18(f) of the OIA. We considered that such consultation would be of assistance to you, and made several attempts to contact you for the purposes of consulting on your request, as set out in paragraphs 10-13 below.

Our attempts to contact you

10. On 4 November we replied to the email address from which you sent your request, fyi-request-3317-b87b25ad@requests.fyi.org.nz. We requested you to contact us at uia@comcom.govt.nz to discuss the scope of your request.
11. Having not received a response to our email of 4 November, we emailed you directly on 12 November at texedwards@klr-international.com requesting that you contact us.
12. Again, we did not receive a response, so on 18 November we sent a letter to the postal address you supplied, repeating our request for you to contact us. The letter was sent by registered post and was signed for at the supplied address on 19 November at 12:04pm and we are yet to hear back from you.
13. On 2 December we extended our timeframe for responding to your request, as provided for under section 18A(1) of the OIA. In our 2 December letter, we again invited you to discuss the scope of your request with us if you wished to do so.

Further information

14. We will provide the 2013, 2014 and 2015 information to you by 8 January 2016.

15. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.
16. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz.

Yours sincerely

Alexandra Donnison

A handwritten signature in blue ink, appearing to be 'AD', with a long horizontal flourish extending to the right.

OIA Co-ordinator