



DOIA 1617-0864

Mr Matt Brown
fyi-request-5284-46ab8f2a@requests.fyi.org.nz

Dear Mr Brown

Thank you for your email of 26 January 2017 requesting the following information:

1. *At what level of geographic grouping was UFB2 funding eligibility evaluated? (e.g. street, community, census block, custom geographic region, etc)*
2. *For each geographic group that was evaluated, what criteria was used to determine if UFB2 funding would or would not be provided for that area?*
3. *All advice and documents describing geographic areas or groups of areas within the Waikato region that were considered for UFB2 funding at any point in the process.*
4. *All advice and documents describing the data and resulting evaluation that was used to arrive at fund/no-fund decision for each area within the Waikato region that was considered for UFB2 funding at any point in the process.*
5. *All communication between MBIE and the Waikato District or Regional councils relating to the UFB2 process, including details of any specific areas discussed.*

Information is being provided to you in accordance with the Official Information Act 1982 (the Act).

As you are probably aware, on 26 January 2017, the Minister for Communications announced the areas to receive fibre under the Ultra-Fast Broadband extension (UFB2). The areas selected for UFB2 were determined following a commercial negotiation process that was managed by Crown Fibre Holdings (CFH) using policy settings determined by the Government.

Funding eligibility for UFB2 was evaluated on a town-basis. The programme's objective was to increase fibre to at least 80 per cent of New Zealanders. To meet this goal, CFH produced a Request for Proposals (RFP) that included a list of towns for which bids were invited. The key determining factor for including those towns on the list was population size. CFH was also able to consider bids for towns or areas that Respondents proposed outside of towns for which bids were invited.

The result of the commercial negotiation process was that all of the towns identified in the RFP would receive access to UFB fibre. Further, an additional 47 areas (that were not included in the RFP) will also receive UFB2 funding. The policy target of providing fibre to at least 80 per cent of New Zealanders by 2022 will be met, and the programme will go further still, with over 84 per cent of New Zealanders being able to access UFB fibre by the end of 2024.

The exact premises that would receive fibre within each town was determined through a combination of:

- meeting the programme's coverage objective, ensuring that the overall cost per premises passed allowed this target to be met within the funding envelope, and;
- a variety of commercial considerations on the part of partner companies, which determined the areas that they had bid for.

The criteria used to evaluate bids, and therefore help determine if funding under UFB2 would be awarded, was listed in section four of the RFP released by CFH. The document is publicly accessible on its website under 'UFB2 Tender Documents' at: <http://www.crownfibre.govt.nz/ufb-initiative/ultra-fast-broadband-extension/>.

Further to the above, the information you have requested at points one and two above is available publicly. Consequently, those parts of your request are refused under section 18(d) of the Act.

In relation to questions three and four above, your request is likely to cover a substantial amount of information, as the scope of these questions includes documents from multiple organisations spanning several years. Consequently, those parts of your request are refused under section 18(f) of the Act because the information requested cannot be made available without substantial collation or research. I have considered whether fixing a charge under section 15 or extending the time limit under section 15A would enable your request to be granted, however in my view it would not. You may wish to refine the scope of these questions and submit a new OIA request.

However, with respect to question three, I can advise that the UFB programme is a fibre-to-the-premises solution, and is most cost-effective in urban areas with a higher population density. As stated above, population size and density, which contribute to the cost per premises passed, have been important factors in determining the areas that will receive fibre deployment. The towns in Waikato that were on the list of towns for which the RFP invited bids were included on the basis of population size.

With respect to question four, in addition to likely being of a substantive volume, information that relates to the evaluation process used to decide whether or not to provide funding to each area within the Waikato region relates to the commercial negotiation process undertaken by CFH and is commercially sensitive. However, as stated above, CFH was able to fund every town for which bids were invited, in addition to another 47 towns and areas proposed by the successful bidders. Temple View, Taupo Airport, Te Puru and Piopio were areas in the Waikato region that were successful in receiving funding for UFB2 in addition to those areas bids were sought for in the RFP. Further information on UFB2 deployment, including all of the areas to receive funding under UFB2, is available at www.broadband.govt.nz.

In relation to point five of your request, we have interpreted your request as all communications between the Ministry of Business, Innovation and Employment and Waikato District Council or Waikato Regional Council that relate to the UFB2 process.

There are 12 documents within the scope of this part of your request. Your request for three of these documents is refused under section 18(d) of the Act, as they are already publicly available. The document schedule below outlines where information refused under section 18(d) is available online. Further, the schedule outlines where information has been redacted because it is outside the scope of your request, or has been withheld or refused under the following sections of the Act:

9(2)(a)	to protect the privacy of natural persons
18(d)	that the information requested is or will soon be publicly available.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the decision to withhold certain information under s9(2)(a) is not outweighed by other considerations that render it desirable to make this information available in the public interest.

You have the right under section 28(3) of the Act to ask the Ombudsman to investigate and review my decision to refuse this requested information. The relevant contact details are:

The Ombudsman
Office of the Ombudsman
P O Box 10 162
WELLINGTON 6143
www.ombudsman.parliament.nz

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Tier', written in a cursive style.

Jane Tier
Manager, ICT Policy and Programmes
Commerce, Consumers and Communications
Building, Resources and Markets

DOIA 1617-0864 – Documents

First page no.	Date	Document Title	Status
-		Crown Fibre Holdings <i>Request for Proposals</i>	Refused under s18(d). Available publicly at: http://www.crownfibre.govt.nz/ufb-initiative/ultra-fast-broadband-extension/
-		Waikato District Council Registration of Interest	Refused under s18(d). Available publicly at: https://www.waikatodistrict.govt.nz/news/media-releases/article/2015/07/15/council-confident-of-solid-ufb-proposal
-	Sep-15	Waikato District Council – Digital Enablement Plan	Refused under s18(d). Available publicly at: https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/digital-enablement-plan
001	30/06/2017	Letter from Waikato District Council Mayor to MBIE	Partly withheld under s9(2)(a)
002	1/07/2015	Email from Waikato District Council to MBIE	- Partly redacted as out of scope - Partly withheld under s9(2)(a)
003	7/07/2015	Email from MBIE to Waikato District Council	- Partly redacted as out of scope - Partly withheld under s9(2)(a)
005	17/07/2015	Email from MBIE to Waikato District Council	- Partly redacted as out of scope - Partly withheld under s9(2)(a)
006	15/07/2015	Email attachment - Letter from MBIE to Waikato District Council	Partly withheld under s9(2)(a)
-	15/07/2015	Email attachment - Letter from MBIE to Waipa District Council	Out of scope
007	17/09/2015	Email from Waikato District Council to MBIE	- Partly redacted as out of scope - Partly withheld under s9(2)(a)
-	Sep-15	Email attachment - Waikato District Council Digital Enablement plan	Refused under s18(d). Available publicly at: https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/digital-enablement-plan
008	16/09/2015	Email attachment - Letter from Waikato District Council Mayor to MBIE	Partly withheld under s9(2)(a)
009	9/02/2016	Email from MBIE to Waikato District Council	- Partly redacted as out of scope - Partly withheld under s9(2)(a)
010	9/02/2016	Email attachment – Letter from MBIE to Waikato District Council	Released in full

OFFICE OF THE MAYOR
Allan Sanson

15 Galileo Street
Private Bag 544
Ngaruawahia
New Zealand
Telephone 07 824 5878
Facsimile 07 824 5892
Email allan.sanson@waikato.govt.nz



30 June 2015

MBIE
ROI 9741400 Supply of Information and Support to Facilitate Infrastructure
Deployment
Ground Floor Reception
15 Stout Street
WELLINGTON 6011

Attention: Teri Moon, Senior Sourcing Specialist, Commercial Services

Dear Teri

**ROI 9741400 Supply of Information and Support to Facilitate
Infrastructure Deployment**

I am pleased to provide Waikato District Council's Registration of Interest –
Support (ROI) which our Council has adopted.

Our Point of Contact is:
Clive Morgan, Economic Development Manager
Phone: s9(2)(a)
Email: s9(2)(a)

Further to the ROI we will be providing you with our Digital Enablement Plan by the
due date.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'A.M. Sanson', is written over a diagonal line.

Allan M Sanson
MAYOR

Out of scope

From: Clive Morgan [REDACTED] s9(2)(a)
Sent: Wednesday, 1 July 2015 10:28 a.m.
To: Teri Moon
Subject: Waikato District Council ROI - Support UFB, RBI, MBF

Hi Teri

Just to advise that our ROI - Support was couriered to you late yesterday (30 June). It includes a USB (Open Waikato District branded) with electronic copies (word and pdf versions), a hard copy and cover letter.

If possible please confirm receipt.

Sincerely

Clive Morgan

Economic Development Manager

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452 ■ [REDACTED] s9(2)(a)

Private Bag 544, Ngaruawahia 3742

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Out of scope

From: Teri Moon
Sent: Tuesday, 7 July 2015 1:11 p.m.
To: Clive Morgan
Subject: RE: Waikato District Council ROI - Support UFB, RBI, MBF [UNCLASSIFIED]

Hi Clive

Thank you for your interest in our ROI and for your submission.

We will be in contact once the ROI process concludes but please don't hesitate to contact me should you have any questions in the meantime.

Kind regards

Teri Moon

Teri Moon
SENIOR SOURCING SPECIALIST, COMMERCIAL SERVICES
Corporate Services Group
Ministry of Business, Innovation & Employment

Continuous improvement is important to us! [Click here to give me some feedback.](#)

s9(2)(a)
15 Stout Street, PO Box 1473, Wellington 6140 | <http://www.mbie.govt.nz>



From: Clive Morgan [REDACTED] s9(2)(a)
Sent: Wednesday, 1 July 2015 10:28 a.m.
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Sincerely

Clive Morgan

Economic Development Manager

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From: Rita Lysaght
Sent: Friday, 17 July 2015 1:42 p.m.
To: s9(2)(a)
Subject: Registration of Interest - Support: Issues around Confidentiality [IN-CONFIDENCE:RELEASE EXTERNAL]
Attachments: Waitako District Council (C Morgan, 15 July 2015).pdf; Waipa District Council (C Morgan, 15 July 2015).pdf

Dear Sir/Madam

Please find attached letter from the Manager, ICT Policy & Programmes, Chris Bishop regarding ROI – Support: Issues around Confidentiality.

Regards
Rita

Rita Lysaght
PA/TEAM ADMINISTRATOR to
Osmond Borthwick (Manager, Communications Policy) &
Chris Bishop (Manager, ICT Policy & Programmes)

Commerce, Consumers & Communications Branch
Building, Resources and Markets | Ministry of Business, Innovation & Employment (MBIE)

Level 5, 15 Stout Street, Wellington 6011 or PO Box 1473, Wellington 6140, New Zealand

s9(2)(a)

| FAX +64 4 499 0969 | www.mbie.govt.nz



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI





15 July 2015

Clive Morgan
Economic Development Manager
Waikato District Council

s9(2)(a)

Registrations of Interest – Support; Issues Around Confidentiality

Thank you for responding to the *Registrations of Interest (ROI) – Support* document in respect of the Government's proposals to extend the Ultra-Fast Broadband and Rural Broadband Initiative and to establish the Mobile Black Spot Fund. MBIE is currently assessing all the registrations and will report to Ministers on their content. It is notable the amount of work that has been put into the responses and we look forward to receiving Digital Enablement Plans in September.

In the interim, we have received requests from some councils wishing to make public elements of their *ROI – Support*. However, Section 4, clause 14 of the *ROI – Support* states "for the duration of the ROI, to the date of the announcement of the Successful Respondent, or the end of the procurement process, the Respondent agrees to keep the ROI strictly confidential and not make any public statement to any third party in relation to any aspect of the ROI, the ROI process or the award of any Contract without the Buyer's prior written consent".

MBIE is aware that during the process of developing *ROI – Support*, a number of councils undertook extensive community engagement and had community representatives on the steering groups or otherwise involved in the development of their documents. Councils have questioned us as to the extent of the confidentiality constraints they now face.

On reflection, we have formed the view that, unlike other ROI documents, it is not necessary from a Government perspective to require confidentiality. We therefore propose to waive this term and confirm that you are free to release all or some aspects of your *ROI – Support* document as you choose.

We note that the *ROI – Supply* (that relates to registrations lodged by potential suppliers) will remain strictly confidential.

s9(2)(a)

Chris Bishop
Manager, ICT Policy & Programmes
Commerce, Consumer & Communications

s9(2)(a)

Building, Resources and Markets

Level 5, 15 Stout Street, PO Box 1473, Wellington 6140, New Zealand
Telephone: +64 4 901 1499 Fax: +64 4 499 0969
Email: info@mbie.govt.nz Website: www.mbie.govt.nz

Out of scope

From: Clive Morgan [REDACTED] s9(2)(a)
Sent: Thursday, 17 September 2015 4:28 p.m.
To: Broadband
Subject: Emailing - Waikato District Council Digital Enablement Plan published 15 September 2015.pdf
Attachments: Waikato District Council Digital Enablement Plan published 15 September 2015.pdf; Ltr Mayor A Sanson to MBIE.pdf

Please find attached the Waikato District Council Digital Enablement Plan as requested and accompanying letter from Mayor Allan Sanson.

Please contact me if any questions or issues.

Thank you

Clive Morgan

Economic Development Manager

Waikato District Council

Te Kaunihera aa Takiwaa o Waikato

■ P 07 824 8633 ■ F 07 824 8091 ■ Call Free 0800 492 452 ■ [REDACTED] s9(2)(a)

Private Bag 544, Ngaruawahia 3742

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**OFFICE OF THE MAYOR
Allan Sanson**

15 Galileo Street
Private Bag 544
Ngaruawahia
New Zealand
Telephone 07 824 5878
Facsimile 07 824 5892
Email allan.sanson@waidc.govt.nz



16 September 2015

Chief Executive
MBIE
PO Box 1473,
Wellington 6140
New Zealand

Dear David

Waikato District Council's Digital Enablement Plan submission

I am pleased to submit Waikato District Council's Digital Enablement Plan (DEP), which was adopted on 14 September 2015.

If you have any questions regarding our DEP please contact:

Clive Morgan, Economic Development Manager

Phone: s9(2)(a)

Email: s9(2)(a)

Yours sincerely

Allan M Sanson
Mayor

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Out of scope

From: Katie Gilbert on behalf of Jane Tier
Sent: Tuesday, 9 February 2016 3:27 p.m.
To: s9(2)(a)
Cc: s9(2)(a)
Subject: Update on telecommunications infrastructure programmes, and intentions for 2016 [UNCLASSIFIED]
Attachments: Clive Morgan.pdf

Dear Clive

Thank you for your engagement on improving telecommunications infrastructure across New Zealand.

Following your response to the Registrations of Interest – Support last year, please find attached a letter updating you on these programmes and our intentions for 2016.

Kind regards,

Jane Tier
MANAGER
ICT Policy and Programmes; Building, Resources and Markets
Ministry of Business, Innovation & Employment

s9(2)(a)
Level 5, 15 Stout Street, P O Box 1473, Wellington 6140, New Zealand

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Clive Morgan
Economic Development Manager
Waikato District Council

9 February 2016

Dear Clive Morgan

Update on telecommunications infrastructure support programmes and intentions for 2016

As 2016 begins, I would like to thank you for your engagement on issues related to improving telecommunications infrastructure across New Zealand, and to discuss our intentions for the year ahead.

Registration of Interest – Support for fast broadband programmes

The Ministry of Business, Innovation and Employment (MBIE) released the Registration of Interest (ROI) in March 2015. Councils were asked to identify priority areas within their districts or regions for the provision of fast broadband through the Ultra-Fast Broadband (UFB) or Rural Broadband Initiative (RBI) development programmes, and also to nominate areas for the establishment of the Mobile Black Spot Fund (MBSF). Councils were also asked to outline ways they would lower the cost and risks of deployment, for example, by making available existing council infrastructure or streamlining consent or traffic management issues.

There was a very high level of response to the ROI and some innovative ideas on how to encourage local investment in telecommunications infrastructure.

Councils were also encouraged to develop Digital Enablement Plans, to ensure that communities are well positioned to take full advantage of telecommunications infrastructure.

Again, the level of response and the quality of plans were encouraging. The ROI responses and the Digital Enablement Plans will form part of government decisions on the areas for deployment, so thank you for your contributions to this work.

Procurement process for the Ultra-Fast Broadband extension

Crown Fibre Holdings (CFH) released the Request for Proposals for the UFB extension (UFB2) in September 2015. Potential UFB suppliers were asked to tender for deployment, within defined technical and policy specifications. Tenders closed in



late October, and CFH has provided the Government with a commercial analysis of the results.

The tenders received are a starting point for commercial negotiations between CFH and potential suppliers. While definite council co-investment has been factored into advice to Cabinet, during negotiations CFH will also be encouraging potential suppliers to ensure their final prices are as attractive as possible, and may recommend that they engage with councils on their willingness to assist in ways that may lower deployment costs and risks. We would encourage councils to work constructively with suppliers as the competitiveness of the final supplier bids will weigh heavily in the final town selection.

The final list of towns to be included in the UFB programme will be announced once commercial negotiations and contracts have been successfully finalised between suppliers and CFH.

Phase two of the Rural Broadband Initiative

Policy work on phase two of the RBI programme (RBI2) is now underway, including assessing the areas that will be prioritised for improved rural broadband. The information received through the ROI and the Digital Enablement Plans is a valuable input into this work.

Potential RBI suppliers will be invited to submit tenders once the areas for UFB deployment have been finalised. This approach will reduce the risk of overbuilding between the two programmes and help to ensure the RBI development funding is put to the best possible use.

In the meantime RBI1 continues to be rolled out across the country. As of January 2016 more than 200 of the RBI1 towers nationwide have been either built or upgraded to a 4G service. This means that over 100,000 rural families and business across the country now have access a service which is proving to provide fibre-like speeds (100Mbps). By January 2017 this number would have increased to almost 300,000 families and business having access to 4G services under the RBI programme.

Establishment of the Mobile Black Spot Fund

Policy development is also underway on the MBSF, and a tender process will be timed to capture any synergies between the RBI2 and MBSF programmes, to help ensure funding is put to the best possible use.

Other intentions for 2016

MBIE benefited from a close and cooperative engagement with Local Government New Zealand throughout 2015, including hosting a webinar on the objectives and approach for the UFB and RBI programmes.

Over the coming year, we will look to build on this relationship, as we work with you on the proposed amendments to the National Environmental Standards for telecommunications facilities. The proposed changes are intended to simplify the resource consent requirements for certain types of telecommunications facilities and bring the planning rules for broadband infrastructure up to speed with today's technology.

New legislation governing land access for telecommunications will be introduced into the House in 2016, which will reduce the time taken to install UFB down shared driveways or in other instances where the consent of more than one party is required.

Councils also play an important role in new subdivisions, by requiring telecommunications easements that enable fibre networks to be installed and maintained as a condition of development. We would encourage you to ensure this is a standard part of your RMA approval process.

MBIE would like to thank all the councils for your support with these programmes.

As the UFB procurement process is underway, any questions you may have in respect of UFB should be directed to CFH.

We will keep you informed about progress on our other telecommunications programmes.

Yours sincerely



Jane Tier
Manager, ICT Policy and Programmes
Ministry of Business, Innovation and Employment