

## Notice of requirements under section 69K(2) of the Telecommunications Act 2001

Ministerial Determination reference	Telecom Undertakings reference	Requirement
	Definition of "Commission"	Amend to ensure that the Commission's functions and powers are to be exercised by the Telecommunications Commissioner in accordance with s 10 of the Telecommunications Act
	Definition of "External Auditor"	Amend to ensure external auditors are suitably qualified.
Clause 9	Clause 1.2(b)(iv) EOI	Amend to ensure any requests for differences must be made in writing by the Service Provider.
Clause 8	Clause 6.2	Amend to include a reference to section 27 determinations, where the determination provides sufficient terms and conditions to allow the service to be provided without the need for further terms and conditions to be agreed. Same amendment also required in terms of Registered Undertakings.
Clause 10	Resale Equivalence Standard example	Amend to express the example as a factual situation that sets out the consequences of the application of the definition.
Clause 15(1)(a)	Clause 7.1(a) Role of Board and CEO	Amend reference to "Telecom" to "TCNZ".

<b>Ministerial Determination reference</b>	<b>Telecom Undertakings reference</b>	<b>Requirement</b>
AMD clause 5(a)	Clause 7.3(a) and (b)	Amend to ensure Telecom must provide the IOG with copies of the final documentation (including the formal recommendation) provided to, and considered by, the TCNZ Board or the chief executive of TCNZ, along with the documentation that records any decisions made (in both clauses 7.3(a) and (b)).
Clause 15	Clause 7.4(b) Role of Board and CEO	Delete clause 7.4(b) relating to participation by the chief executive in day-to-day management of the members of the Executive.
Clause 18	Clause 17.1(d)	Delete the redundant requirement in this clause for ANS to act in accordance with applicable plans.
Clause 18(2)	Clause 15 and the definitions of "Mobile services and "Cellular Mobile System"	Amend to ensure that fixed wireless access services, where they are used in substitution for the fixed network are controlled by the ANS unit, except where those services are cellular mobile services; being services that are able to be used by End Users while moving between different wireless transmitters.
Clause 22	Clause 19 Specific responsibilities of the ANS unit (and equivalent Wholesale clause 46.1).	Amend to ensure the responsibilities of the unit do not exclude matters determined by the Commerce Commission.
Clause 24	Clause 21.3 (and equivalent Wholesale clause 47.3)	Amend to clarify the process by which the Commission considers and then decides on applications by Telecom to approve amendments to migration plans.
Clause 31	Clause 27.1	Amend to ensure that the Board may approve or amend or otherwise deal with the plans as it sees fit, provided it complies with clause 7 of the Undertakings.

<b>Ministerial Determination reference</b>	<b>Telecom Undertakings reference</b>	<b>Requirement</b>
Clauses 37 & 38	Clauses 33.3 & 34.3	Amend to ensure that subsequent disclosure of customer confidential information (CCI) and commercial information (CI) is properly maintained and that the information is destroyed or kept secure once it is no longer required for the purpose it was provided.
AMD clause 7	Clause 45.2	Amend to take into account the wording of the Amending Determination.
Clause 52(3)	Clause 48.4	Amend to ensure that the 'reasonable amount of time' must be set by the Commerce Commission (Commission) in consultation with Telecom.
Clause 57	Clause 52.3	Amend to ensure that robust operational separation of Telecom is not undermined.
	Clause 58.3, 59.3	Amend to ensure that the confidentiality of subsequent disclosure of CI and CCI is maintained and that the information is destroyed or kept secure once it is no longer required for the purpose it was provided.
AMD 10	Clause 60.4(a)	Amend to place an upper limit on the Wholesale manager's group-based remuneration as a proportion of that person's total remuneration and amend so that the group based incentive payments are lower than the other components of the incentive scheme combined, in order to prevent the head of Wholesale discriminating in favour of Retail or acting in a manner that would otherwise undermine a robust operational separation of Telecom.  Amend to make consequential changes for direct reports to the Wholesale manager.
	Clause 66	Amend to set out the details of the IP Interconnection consultation process, the matters that are to be consulted on and confirming that the roles of the TCF, the Ministry of Economic Development and the Commission in the consultation process will be for them to decide

<b>Ministerial Determination reference</b>	<b>Telecom Undertakings reference</b>	<b>Requirement</b>
Clause 78	Clauses 75 & 76	Amend to ensure that the confidentiality of subsequent disclosure of CCI and CI is maintained and that the information is destroyed or kept secure once it is no longer required for the purpose it was provided.
Clause 82	Clause 79	Amend to ensure that the IOG will have all the powers necessary to perform its functions.
Clause 88	Clause 85.2	Amend to ensure the appointment of auditors is subject to the approval of the Commission.
Clause 89	Clause 86	Amend to use the wording in the Determination.
	Clause 88.4 and 88.5	Amend to clarify that clauses 88.4 and 88.5 apply from the point Telecom decides to provide a Relevant Network Access Service to service providers.
	Clause 88.6	Amend to ensure that Telecom must notify the IOG of any changes to commercial policy of a general application.
Clause 91	Clause 90/91	Clause 90.1 refers to "reasonably necessary". Amend the Undertakings to "reasonable and necessary" throughout (ie also clauses 90.3(a), 91.1(b) and 91.3(a)).
Clause 94	Clause 94.2	Amend to better explain that the "two desk" option is the default.
AMD clause	Clause 100	Amend to include reasons for the exceptions to the arm's length rules for access planners.
	Clause 108	Delete clause 108.2

<b>Ministerial Determination reference</b>	<b>Telecom Undertakings reference</b>	<b>Requirement</b>
	Clause 111	Amend to ensure that the Commission undertakes the review function and provides a report to the Minister with a copy to Telecom.
	PSTN migration	Amend to clarify the definitions of Existing PSTN Lines, the 2015 migration milestone, and the number of lines nationwide that Telecom expects to be capable of 10 Mbps and 5 Mbps. Also amend to include auditability power for the Fixed Voice Customer Lines migration target in 2012.
	Schedule 1, 3.1	Amend to clarify the legal status of Part B
	Schedule 1, 4.1	Amend to confirm that nothing in the reporting process on the milestones limits or affects Telecom's obligations in relation to milestones.
	UCLL Backhaul Migration Plan: 31 December 2009 Milestone  UCLL Backhaul as feeder into EUBA and BUBA.	Amend to clarify the scenarios in which UCLL backhaul will be consumed.
AMD Clause 6	Schedule 1, 17.3 & 17.4	Amend in accordance with the process set out in the Amending Determination and confirm that Telecom is not excused from any default if it complies with the process.
	Schedule 1, 17.8	Amend to ensure the process for obtaining extensions to the milestones from the Commission in relation to consent delays is clear and that applications are made before the enforceable milestone falls due.