



Telecommunications (Retail Services and Bundle of Retail Services) Order 2011

Anand Satyanand, Governor-General

Order in Council

At Wellington this 30th day of May 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 66 of the Telecommunications Act 2001, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Communications and Information Technology made in accordance with section 19 of that Act and after accepting (in accordance with section 68 of that Act) the Commerce Commission's recommendation made in accordance with sections 19 and 68 of that Act.

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Order

1 Title

This order is the Telecommunications (Retail Services and Bundle of Retail Services) Order 2011.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Subpart 1 of Part 2 of Schedule 1 of Telecommunications Act 2001 amended

- (1) The item relating to *Description of service* under the item headed **Retail services offered by means of Telecom's fixed telecommunications network** in subpart 1 of Part 2 of Schedule 1 of the Telecommunications Act 2001 is omitted and the following item substituted:

Description of service:

A retail service that satisfies both of the following:

- (a) any of the following:
- (i) a non price-capped local access and calling service; or
 - (ii) a non price-capped retail service (and its associated functions) supplying an access and calling service in a different form to the service described in subparagraph (i) (and including, for the avoidance of doubt, a service supplying ISDN digital access, or Centrex-based access or facsimile); or
 - (iii) a value-added non price-capped retail service that is supplied in conjunction with a service described in subparagraph (i) or (ii) or a price-capped residential local access and calling service; and

- (b) a retail service offered by Telecom to end-users by means of its fixed telecommunications network in the following markets:
- (i) all markets in which Telecom faces limited, or is likely to face lessened, competition for that service:
 - (ii) all, some, or no markets in which Telecom does not face limited, or is not likely to face lessened, competition for that service as determined by the Commission
- (2) The item headed **Bundle of retail services offered by means of Telecom’s fixed telecommunications network** in subpart 1 of Part 2 of Schedule 1 of the Telecommunications Act 2001 is omitted.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, amends subpart 1 of Part 2 of Schedule 1 of the Telecommunications Act 2001 and is made following acceptance by the Minister for Communications and Information Technology of the Commerce Commission’s recommendations set out in its *Final Report on whether the Resale Services should be omitted from Schedule 1 of the Telecommunications Act 2001 (or if not omitted, amended in some form)* dated 16 December 2010 and the Commission’s clarification of those recommendations dated 14 April 2011.

The amendments—

- change the description of the designated access service “Retail services offered by means of Telecom’s fixed telecommunications network” in subpart 1 of Part 2 of Schedule 1, with the

effect that resold broadband and data services are not captured within the service description; and

- omit the designated access service “Bundle of retail services offered by means of Telecom’s fixed telecommunications network” from subpart 1 of Part 2 of Schedule 1.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 June 2011.

This order is administered by the Ministry of Economic Development.
