



Telecommunications (Mobile Termination Access Services) Order 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 66 of the Telecommunications Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and 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, makes the following order.

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Schedule

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**Item added to subpart 1 of Part 2 of Schedule 1 of
Telecommunications Act 2001**

Order**1 Title**

This order is the Telecommunications (Mobile Termination Access Services) Order 2010.

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

Subpart 1 of Part 2 of Schedule 1 of the Telecommunications Act 2001 is amended by adding the item set out in the Schedule of this order.

Schedule

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**Item added to subpart 1 of Part 2 of
Schedule 1 of Telecommunications Act
2001****Mobile termination access services (MTAS)**

Description of service: Termination (and its associated functions) on a cellular mobile telephone network of any, or any combination, of the following:

- (a) voice calls originating on a fixed telephone network:
- (b) voice calls originating on another cellular mobile telephone network:
- (c) short-message-service (SMS) originating on another cellular mobile telephone network

For the avoidance of doubt, these services include the termination of internationally originated voice calls and SMS, and voice-over-Internet-protocol-originated voice calls, where these are handed over at a mobile switching centre in New Zealand

<i>Conditions:</i>	Nil
<i>Access provider:</i>	A person who operates a cellular mobile telephone network
<i>Access seeker:</i>	A service provider who seeks access to the service
<i>Access principles:</i>	The standard access principles set out in clause 5
<i>Limits on access principles:</i>	The limits set out in clause 6
<i>Initial pricing principle:</i>	<p>Benchmarking against the costs of providing similar services in comparable countries that result from the application of—</p> <ul style="list-style-type: none"> (a) a forward-looking cost-based methodology; or (b) if the Commission considers that a forward-looking cost-based methodology does not best give effect to the purpose set out in section 18, whichever of the following methods that the Commission considers best gives effect to that purpose: <ul style="list-style-type: none"> (i) a pure bill and keep method; or (ii) a pure bill and keep method applied to two-way traffic in balance (or to a specified margin of out-of-balance traffic) and a forward-looking cost-based methodology applied to out-of-balance traffic (or traffic beyond a specified out-of-balance margin)
<i>Final pricing principle:</i>	<p>Either—</p> <ul style="list-style-type: none"> (a) TSLRIC; or (b) if the Commission considers that TSLRIC does not best give effect to the purpose set out in section 18, whichever of the following methods that the Commission considers best gives effect to that purpose: <ul style="list-style-type: none"> (i) a pure bill and keep method; or (ii) a pure bill and keep method applied to two-way traffic in balance (or to a specified margin of out-of-balance traffic) and TSLRIC applied to out-of-balance traffic (or traffic beyond a specified out-of-balance margin)
<i>Requirement referred to in section 45 for final pricing principle:</i>	Nil
<i>Additional matters that must be considered regarding the application of section 18:</i>	Nil

Rebecca Kitteridge,
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*, gives effect to a recommendation made by the Commerce Commission to amend subpart 1 of Part 2 of Schedule 1 of the Telecommunications Act 2001 (the **Act**) by adding mobile termination access services.

The amendment is made following acceptance by the Minister for Communications and Information Technology of the Commerce Commission's recommendations, set out in its report, *Reconsideration Report on whether the mobile termination access services (incorporating mobile-to-mobile voice termination, fixed-to-mobile voice termination and short-message-service termination) should become designated or specified services*, dated 16 June 2010.

The amendment means that the mobile termination access services become designated access services for the purposes of the Act and, in respect of each service, the Commerce Commission may determine—

- on the application of a person who operates a cellular mobile telephone network (an **access provider**) or a person who seeks access to the service (an **access seeker**), some or all of the terms on which the service must be supplied, including the price payable by the access seeker:
 - alternatively, with reference to all access providers and all access seekers, the standard terms on which the service must be supplied.
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