

ISPANZ *update*

December 2007 - March 2008

ComCom to study NGN issues

The Commerce Commission has announced that under its new powers it is proposing to study next generation network issues. It has invited input into a terms of reference document by March 28th and ISPANZ intends to file a submission.

The Commission says in its proposal that the focus will be on "understanding key technological developments that will emerge during the next five years, and their impact on the commercial and competitive environment for telecommunications services".

It says the study may include discussion on:

- market and technology trends and developments, highlighting the effect these may have on industry structure
- interconnection requirements in an NGN environment;
- whether new access products and services are needed to provide and maintain competition in the access network; and
- other areas that may raise competition and regulatory issues in the future.

The Commission says its study will be complementary and broader than any work done by the TCF around NGN issues,

Commerce Commission workshop in Auckland

The Commerce Commission will meet with ISPANZ members on the morning of Friday, April 4 in Auckland, to lead a workshop on preparing submissions.

This is not just about the big players. The Commerce Commission has made it clear it wants to increase engagement deeper into the ISP community.

Even when ISPANZ makes its submissions, there is nothing to stop individual ISPs from submitting on points that particularly concern them or to reinforce ISPANZ messages, so come along and learn how to present your position effectively.

The Telecommunications Commissioner Dr Ross Patterson will also attend, providing an opportunity for discussion of industry issues ahead of the workshop.

As this meeting will be held at the new NetSafe offices in Newmarket, we are also taking the opportunity to hear from NetSafe Executive Director Martin Cocker and his staff about their latest activities, so the morning is really shaping up.

Date: Friday 4 April, 2008
Time: 9.30am-11.30am
Location: NetSafe, L3, 130 Broadway, Newmarket

RSVP by Friday 14 March to richard@internetnz.net.nz

Minister sends OpSep plan back

The Minister of Communications David Cunliffe declined Telecom's Amended Separation plan last month, seeking further specific amendments.

ISPANZ regards the issue of independence of the separated divisions of Telecom as crucial to a successful and robust operational separation.

President Jamie Baddeley says "We are pleased to see the Minister has gone some way towards countering the effect of the Amendment to the Determination that enabled group incentives for the Wholesale Manager."

On a range of issues addressed ISPANZ sees positive changes have been sought. "We agree with the Government's approach of seeking greater clarity across the range of issues outlined in the Notice of Requirements. We hope that this will not lead to any further time requirements than have been outlined and look forward to March 31 as 'Separation Day'," says Baddeley.

The issue of Interconnect is of special interest to ISPANZ. ISPANZ is currently negotiating around Internet Peering with Telecom.

As submitted to Government, ISPANZ prefers Interconnect be self-regulated through industry agreement, but recognises the need for something like an NGN UK model should agreement not be reached, as a backstop measure.

Peering progress

ISPANZ is preparing a late submission to the InternetNZ peering consultation, which asked for comment on a report prepared by an independent group headed by Dr Murray Milner.

A copy of ISPANZ' draft submission has been circulated on the members list for members to comment on.

Meanwhile Telecom has advised that once "Separation Day", March 31, has passed, they will be able to improve progress on the negotiations with ISPANZ in respect to their local peering proposal.

Events

ISPANZ Board Meeting
March 26, Auckland
ispanz.org.nz

Conferenz NGN Event
April 7 - 8, Auckland
conferenz.co.nz

Telecommunications Day 2008
May 8, Wellington
tuanz.org.nz

TUANZ Rural Broadband
July 3 - 4, Rotorua
tuanz.org.nz

NetSafe Conference 08
July 28 - 30, Queenstown
netsafe.org.nz

InternetNZ AGM
August 1, Wellington
internetnz.net.nz

APNIC 26
August 25 - 29, Christchurch
apnic.net

ISP Liability and Copyright Position Paper

ISPANZ has produced a draft Position Paper on ISP Liability and Copyright. Many will be aware of the Copyright Bill, which is currently on the order paper in Parliament, although it may or may not be passed this year.

While it is not passed, there is opportunity to continue lobbying on Copyright issues such as having a notice and notice regime, and beyond that there are broader issues of ISP liability that will need ongoing attention.

The draft position paper is being considered by directors and will then be circulated to members before being finalised.

It addresses the confusion about the role and capabilities of ISPs, taking the position that ISPs should not be liable for Copyright infringement in the ordinary supply of their services.

From the draft:

"Issues of Copyright infringement are issues between the Copyright holder and the Copyright infringer and should always be treated as such. ISPs should be good corporate citizens and cooperate with the law. However, ISPs should not be expected to be the 'Copyright Police', nor be subject to resultant disruption to their business, nor be forced into a technological arms race they can't win, nor be forced into conflict with customers."

Sub-loop issues on the agenda

ISPANZ posted on its website a Position Paper on Sub-loop unbundling and cabinetisation, ahead of the Commerce Commission's sub-loop conference in February.

The paper discusses issues in the market including consultation, PSTN migration, balancing LLU vs cabinetisation and equivalence.

Three new service options are proposed that would enable Access Seekers to build up a customer base and make sub-loop unbundling more viable. These are Low Frequency Line Sharing, Dual Feed, and wholesale cabinet DSLAM ports.

At the sub-loop unbundling conference it was agreed that the TCF working party would look into the first two of these to see if there was a chance of timely non-regulated services being offered.

This has been sought ahead its focus on the grunt work of the sub-loop Standard Terms process. The third service option would be looked at alongside that work.

ISPANZ position on cabinetisation is that it should be prioritised to areas that need better broadband or do not have it now, rather than overlaying areas that already have reasonable broadband and shutting out competition.

If you have any queries on the information in this newsletter or actions for ISPANZ to consider please contact the directors individually, or jointly at directors@ispanz.org.nz