

27 February 2020

s 9(2)(a)

By Email: s 9(2)(a)

Attn: s 9(2)(a)

Re: Formal Complaint - MSP Notice 63 Process - Associate Rules

Dear s 9(2)(a)

Thank you for your email to Carolyn Tremain, CEO of MBIE, dated 30 January 2020 detailing RSM's actions resulting in allocating MSP licences to Wellington International Airport Ltd. (WIAL) following the uncontested MSP Notice 63 round. As the Manager responsible for this area, I am responding on Carolyn's behalf.

Following your email and the information you provided, we have further examined the commercial relationship between Infratil, Vodafone and WIAL, and conclude that there is an association under the MSP Allocation Rules.

While this existed at the time that WIAL submitted their application, we have concluded that, unfortunately, RSM's analysis of the associate information at the time of assessing the application was insufficient.

We have also considered the hand written note on WIAL's Statutory Declaration and do not see any grounds to cancel the licences. As at the date of receiving your complaint, the allocation round was complete and WIAL now legally owns the licences. We note that there were no competing applications when WIAL's application was notified. We also note that, while associates under the MSP rules, Vodafone and WIAL operate completely separate businesses, in different industries. In other words, the licences do not breach the policy objectives that the associate rules were designed to achieve.

In light of the above facts, including RSM's actions, we intend to allow WIAL the opportunity to implement its MSP licences in the usual two year time frame. We thank you for bringing this to our attention. We are re-assessing our processes around the assessment of the MSP associate rules.

Yours sincerely,



Len Starling

Manager, Radio Spectrum Management Policy & Planning