



Ref. no. DOIA 2122-2119

7 July 2022

Jonathan Brewer

[fyi-request-19294-f7158e1b@requests.fyi.org.nz](mailto:fyi-request-19294-f7158e1b@requests.fyi.org.nz)

Dear Mr Brewer,

I refer to the Ministry of Business, Innovation & Employment's (the Ministry) correspondence with you of 8 June 2022, advising you it would be providing a response to your Official Information Act 1982 (the Act) request as follows:

*Radio Spectrum Management's 15 December 2021 presentation "Technical Working Group on 3.3-3.8 GHz" describes two options for harmonisation of synchronisation and frame structures across the 3.3-3.8 GHz frequency band.*

*Option A is described as limiting cell sizes to a radius of ~9 km, and Option B is described as allowing for cell radius up to ~14.5 km, and the potential for co-existence between 4G and 5G services.*

*Please release any and all emails, documents, research ~~and presentations~~ to cabinet that discuss the topic and how choices could impact the availability of high speed broadband for rural and remote users.*

*Additionally please advise:*

*1.) Have rural stakeholders been engaged to discuss technical choices that could limit the use of the frequency band to either ~9 or ~14.5 km from a tower? If so, how has this engagement process been run, and what feedback has been received in response?*

*2.) Has the Commerce Commission been consulted on the potential for a reduction in competition in the rural services market should a technical choice restrict the availability of equipment or result in economically untenable situation for rural and remote providers?*

With regards to the questions you have asked:

1. Rural stakeholders were engaged through the "3.3 GHz non-national broadband use in New Zealand<sup>1</sup>" consultation, and subsequent engagements at the Technical Working Group for the 3.5 GHz band. These engagements, and the feedback on them, have been included in the release material.

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<sup>1</sup> <https://www.rsm.govt.nz/projects-and-auctions/consultations/3-3-ghz-non-national-broadband-use-in-new-zealand/>

2. The Commerce Commission has been consulted on the high-level decisions that fed into the Cabinet paper provided to you in response to the part of your original request that was transferred to the Minister for the Digital Economy and Communications (ref. no. DC-42-2022), however, they have not been consulted on this specific issue.

In regard to the remainder of your request, the Ministry has identified 20 documents in scope, as detailed in the attached Document Schedule. Please note that some information within these documents has been redacted as out of scope, or withheld or refused under the following sections of the Act:

- 6(a) because making available the information is likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand;
- 9(2)(a) to protect the privacy of natural persons, including that of deceased natural persons;
- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and Officials, and;
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty; and
- 18(d) because the information requested is or will soon be publicly available.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Ombudsman of the Ministry's decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



Daniel O'Grady  
**Manager, RSM Policy and Planning**  
Building, Resources and Markets

## Document schedule

### Documents released

#	Date	Description	Grounds under which information has been withheld
1	Undated	Draft/Internal copy of Regional, local and non-national 5 G in 3 300 – 3 400 MHz A feasibility study / review	Sections 6(a), 9(2)(g)(i)
2	30 Mar 2021	Emails	Section 9(2)(a)
3	14 Sep 2021	Emails and slide pack <i>Technical Working Group on 3.3-3.8 GHz September 15 2021</i>	Section 9(2)(a)
4	15 Sep 2021	3.3 – 3.8 GHz Technical Working Group Meeting - Summary of discussion	Section 9(2)(a)
5	22 Sep 2021	Emails	Released in full
6	4 Oct 2021	Emails	Section 9(2)(a)
7	7 Oct 2021	Emails	Section 9(2)(a)
8	1 Oct 2021	Emails	Section 9(2)(a)
9	11 Oct 2021	Emails	Section 9(2)(a)
10	12 Oct 2021	Emails	Section 9(2)(a)
11	4 Nov 2021	Emails	Section 9(2)(a)
12	13 Dec 2021	Emails	Section 9(2)(a) Attachment refused under section 18(d)
13	13 Dec 2021	Emails	Sections 9(2)(g)(i) and 9(2)(a)
14	14 Dec 2021	Emails and slide pack <i>Technical Working Group on 3.3 - 3.8 GHz 15 December 2021</i>	Section 9(2)(a)
15	20 Dec 2021	Emails	Section 9(2)(a)
16	27 Jan 2022	Email and <i>Summary of 2<sup>nd</sup> 3.5 GHz TWG</i>	Section 9(2)(a)
17	9 May 2022	Emails	Section 9(2)(a)
18	Undated	Some 3GHz radio complies with EN 302 326	Released in full
19	Undated	Letter <i>Use of 3.3-3.41 GHz Spectrum for Regional Broadband Access</i>	Section 9(2)(a)
20	Undated	<i>3.3 GHz Band Planning</i>	Section 9(2)(f)(iv)