



Freya Phillips and Sam Norman  
**Regulation Branch**  
**Commerce Commission**  
Wellington

**By email ([regulation.branch@comcom.govt.nz](mailto:regulation.branch@comcom.govt.nz))**

15th February 2019

Dear Freya and Sam

Thank you for the opportunity to submit on the topics outlined in the letter regarding the proposed copper withdrawal code as well as the process paper for determining specific fibre areas both dated 26th November 2018. Given that the two are closely interlinked we have chosen to submit on both in this one letter. This letter is our public submission and contains no confidential material. We have also seen the submission from InternetNZ on this matter and support their letter.

TUANZ is the association for the users of digital technology and connectivity. We are unique - there is no other group or organisation that is representative of the people and organisations that are the end users of digital technologies in the manner that TUANZ is.

Our submissions will always focus on the needs of these end users and our overall concern here is to ensure that their needs in regards to the actual impact of both the process and code, as well as their ability to access information in regards to their individual situation are taken into consideration through the processes.

In general terms we support this process and its objective. Where the new network has been completed and is fully available, there should be a mechanism to allow the owner of the stranded network to remove something that is no longer required by users.

In terms of the specified fibre areas, it should be very clear that no action can be taken until end users are able to continue to receive at least an equivalent service to that being withdrawn. In paragraph 51 there is three concepts crucial to determining the fibre service area. However these are wholly related to the wholesale fibre service. End users take retail services, including calling, which are provided by retailers, not wholesalers. It is not clear within the paper how this relationship with retailers is to be taken into consideration.

We agree with the Commission's view in para 67 of the process paper in regards to the minimum size of a specified fibre area being granular enough that end users can easily identify their property, and their status in terms of services available, and whether they are eligible for the copper withdrawal. In the case of publication of the inclusion of new

specified fibre areas, there must be a requirement on key parties such as the Commission itself, the wholesaler (Chorus) and any other stakeholder that presents information in regards to service availability, to ensure their advice is up to date and correct. We would also encourage the Commission to include notification through standard media and social media channels as well as email and on their website (para 98).

In the main we support the minimum requirements and optional additional provisions for a copper withdrawal code as outlined in Attachment A of the letter. Our overriding concern is ensuring that there is a reasonably simple and straightforward code which consumers and organisations such as our can be clear and confident of their position and entitlements in relation to the withdrawal of copper services.

In s(3)(a)(ii)(A) there is the use of the word “reasonable” in regards to the time frame to have a fibre service installed. Users would expect to see some sensible definition of what a reasonable time frame is, and it would be likely to have some connection to what might be defined in the service quality dimension IM to be defined as part of the fibre pricing process.

There is also the mention of legacy services which would be important to define specifically in the code.

Finally, the minimum requirements as they are written talk specifically about Chorus, which in the sense of withdrawing the network is applicable, but there must be a relationship to the retail offerings in the area. Things such as calling and 111 services will require retailers to be offering equivalent type services over alternative networks and specifically over fibre, before withdrawing any copper. It may be that this will be adequately covered in the process to determine specified fibre areas, but it will be important to ensure the linkage is clear.

Our overall view is that end user awareness, and protection are at the centre of both the development of the processes around specified fibre areas as well as the development and the content of the final published copper withdrawal code. We are more than willing to assist the Commission in the process of understanding end user requirements in this regard.

We look forward to working with the Commission on the development of these processes.

Kind regards

A handwritten signature in black ink, appearing to read 'Craig Young', with a stylized flourish at the end.

Craig Young  
**Chief Executive**