

Draft Commission 111 contact code Technical Workshop

Summary of views expressed

Date of publication: 4 June 2020

Purpose

1. This paper provides a summary of views expressed by participants of the technical workshop for the Commission 111 Contact Code (111 Code).

Workshop purpose and objectives

2. The purpose of the workshop was to hold an open discussion of the key issues arising from submissions to our 'Commission 111 Contact Code – Emerging views paper'(EVP) and seek stakeholders' views on specific issues.
3. The objectives of the workshop were to:
 - 3.1. test our initial ideas following submissions on the EVP by sharing staff views on the key topics for the workshop; and
 - 3.2. using the discussions at this workshop to better inform our ongoing decision making and to inform our code development.

Workshop format and process

4. The workshop used a round table format to allow an open discussion and exchange of information between workshop participants. A full range of views was provided during discussions with workshop participants as well as through presentations from Commission staff.
5. Discussions were based on prepared workshop material that was distributed to participants prior to the workshop.¹
6. Any views expressed by our staff at the workshop were for stimulating discussion and were not intended to reflect the views of the Commission.
7. The Commission's updated position is reflected in Commission 111 Contact Code reasons paper which was published alongside the draft code on 11 March 2020.²

Role of workshop in the consultation process

8. This workshop was a step in the consultation process for determining our approach to the draft 111 code.
9. The workshop focused on seeking participants' views on the key issues that have been identified through submissions on the EVP, and inform our ongoing decision making and to inform our draft code development.

¹ Workshop materials and the PowerPoint presentation are available on the Commission website at <https://comcom.govt.nz/regulated-industries/telecommunications/regulated-services/consumer-protections-for-copper-withdrawal/commission-111-contact-code>.

² The draft 111 code and reasons paper are available at: <https://comcom.govt.nz/regulated-industries/telecommunications/regulated-services/consumer-protections-for-copper-withdrawal/commission-111-contact-code>

Workshop date and venue

10. The workshop was held on 5 December from 9am – 12:30pm, at the Commission’s offices, 44 The Terrace, Wellington.

Outcome of the workshop

11. The workshop was attended by industry stakeholders who made submissions on the emerging views paper.³
12. The workshop generally followed the agenda and workshop materials. Due to the interrelated nature of the topics, issues were sometimes discussed and addressed in an alternative order to what was outlined in the agenda.
13. Commission staff appreciated the open discussion, and we would like to thank participants for their contribution to the outcome of the workshop.
14. A summary of views expressed at the workshop is included in Attachment C.

³ The list of attendees is attached to this document as Attachment A.

Attachment A: Workshop attendees

Representing	Name	Note
2degrees	Caroline Rush	Via VC
Chorus	Alan Mitford	Via VC
Chorus	Jeremy Muirhead	Via VC
Chorus	Julian Kersey	
Chorus	Sally Ma	
Chorus	Tanya Thomson	Via VC
Commerce Commission	Andrew Harrison	
Commerce Commission	Ben Oakley	
Commerce Commission	Brendan Dempsey	
Commerce Commission	Juline Bunel	
Commerce Commission	Richard Davidson	Via VC
Commerce Commission	Robert Deuchars	
Commerce Commission	Sam Norman	
Commerce Commission	Simon Thomson	
Commerce Commission	Vannessa Turner	Via VC
Enable	Adelle Clark	
MBIE	Charles Jarvie	
MBIE	Filomena Antunes	
Northpower	Iley Joblin	
Powerco	Oliver Vincent	
Spark	Dave Simpson	
Spark	John Wesley-Smith	
TCF	Clare Dobson	
TCF	Sarah Tuohy	

Representing	Name	Note
Trustpower	Claudia Vianello	
Trustpower	Kerryn Drew	Via VC
Ultrafast fibre	Hiramai Rogers	
Vocus	Graham Walmsley	Via VC
Vodafone	Brett Woods	
WISPA	Ernie Newman	
WISPA	Mike Smith	

Attachment B: Workshop agenda

Item	Session topic and discussion points	Duration
1	Welcome and health and Safety <ul style="list-style-type: none">• Purpose of the workshop	5 mins
2	Session 1: Consumer outcomes and the 111 Code <ul style="list-style-type: none">• What are we trying to achieve	20 mins
3	Session 2: Informing consumers <ul style="list-style-type: none">• How to best communicate that some technologies won't operate in a power failure	45 mins
	<i>Break</i>	20 mins
4	Session 3: Processes for consumers to identify they are vulnerable <ul style="list-style-type: none">• What are the existing processes in the industry	45 mins
5	Session 4: Appropriate alternative means to contact 111 <ul style="list-style-type: none">• What guidance and minimum requirements should be in the Code to inform providers decisions around alternative means	45 mins
6	Next steps and close	5 mins

Attachment C: Summary of views

Introduction

1. This attachment is a summary of the views expressed at the workshop. The summary of views has been grouped by session. However, due to the interrelationship of the topics identified in this workshop, the views as outlined below may have been covered off in an alternative order during the workshop.
2. Any views expressed by parties in the workshop should be considered as participation in the discussion and should not be considered to reflect the official positions of parties.
3. This summary of views is presented in a similar format to the workshop material and questions.⁴

Session 1 – Consumer outcomes and the 111 Code

4. The Commission outlined how the 111 code fits into the wider organisational strategy and consumer outcomes that it is trying to achieve, including:
 - 4.1 The market responds appropriately to consumer rights, needs and preferences.
 - 4.2 Consumers understand the different offerings available so they can choose the best service and provider for them.
 - 4.3 Consumers can confidently switch between services and providers in a low cost and convenient way.
5. The Commission acknowledge that the 111 Code was just one piece of the puzzle for informing and educating consumers about changes in the telecommunications services they are purchasing in the wider transition from copper to newer technologies.
6. There was general agreement with a comment from Spark that most important is improving education. Most people on landlines provided over new technologies are unable to contact 111 in a power failure at home and have no idea.

⁴ Workshop materials and the PowerPoint presentation are available on the Commission website at <https://comcom.govt.nz/regulated-industries/telecommunications/regulated-services/consumer-protections-for-copper-withdrawal/commission-111-contact-code>.

Session 2 – Informing consumers

Q1	How do providers currently inform customers (or potential customers) about power issues with services?
Q1.1	○ Is the information on websites?
Q1.2	○ How is the information provided to those who don't have computer/internet access?
Q1.3	○ Is the information presented when customers sign up/switch?
Q1.4	○ Is the information only provided when prompted?
Q2	Should all customers of services susceptible to power failure be informed upon the introduction of the Code?
Q2.1	○ What are the challenges in contacting all existing customers on these technologies?
Q2.2	○ What are the costs and benefits to all customers of these services being periodically informed?

7. The Commission staff were keen to understand how providers currently inform their consumers of the fact that landlines provided over new technologies won't work in a power failure in the way that copper landlines did.
8. Spark, Vodafone and Trustpower all noted that it was built into the business as usual (BAU) processes that new customers should be informed when they sign up for these services.
9. Spark noted that there are many pieces of information that must be provided to a customer on sign up for legal reasons and that it is important to consider the prioritisation of this messaging alongside others. Spark noted that the other types of information are outlined in the TCF product disclosure code.
10. Northpower noted that the optical network terminals (ONTs) that they install have a sticker applied that outlines the power issue. However, this is the only communication as there is no direct line of communication from them with an end-user once the installation is complete.
11. Chorus noted that it does not have equivalent stickers on the ONTs it installs.
12. WISPA noted that the stickers were the right idea and in the right place to prompt consumers, especially as people move to a new house.
13. Vodafone noted that the draft TCF vulnerable end-users code highlights medical vulnerability. It also noted that those consumers who are vulnerable are often aware of the fact they will need to ask these types of questions.
14. Similarly, WISPA noted rural consumers are very conscious of power issues and the need to protect themselves for these situations and especially when purchasing these services.

15. Vodafone commented that rural consumers often have a power back-up and any overbuild would be inefficient and should be avoided.
16. The Commission noted that it is dangerous to assume you don't need to inform consumers of issues with their service based on location or pre-existing conditions. It is better to ensure everyone is aware of the power failure vulnerability so they can decide what to do about it.
17. Spark noted that there is value in a general education campaign as people don't tend to think about power vulnerability.
18. Vodafone noted that putting information on bills has some merit, but that many or most consumers don't tend to read them. WISPA and Spark both agreed that putting information on bills is one of the ways to communicate to consumers.
19. The TCF noted that the communications are going to need to be multi-level and include activities at point of sale and general information on websites.
20. Trustpower noted that there is a precedent of sorts within the electricity sector with medically dependent consumers. It did note that the 111 Code is likely to have 4-5 times as many people eligible. It noted that traditional post is likely to be the best option to reach out with a general message, and that point of sale would cover consumers as they switch providers or change plans.
21. Chorus noted that retail service providers (RSPs) already have a range of things they must tell consumers as part of the TCF product disclosure code.
22. The TCF noted that the Code needs to be clear about what is required but also flexible enough to allow parties to adapt and work within their existing systems where possible. If the Code is too prescriptive and dense it may become unworkable, especially as things will change over time.
23. Spark noted that the Code needs to be reasonably prescriptive about key messages and it needs to be clear about whether parties can/need to use general messaging or provide tailored individual content for consumers.
24. Vodafone noted that many of its customers have indicated they don't want to be contacted or have limited contact details and that this is a potential barrier to regular communications about the 111 Code.
25. Spark noted that it makes sense for the communications to be given at change of provider or change of plan for an existing consumer
26. Trustpower supported specific communications at the sign-up and ongoing contact, suggesting the Commission meet with the Electricity Retailers' Association (ERANZ) and the Electricity Authority (EA) about the electricity sector's process around disconnections and unplanned outages

Session 3 – Process for consumers to demonstrate they are a vulnerable consumer

Q3	What kind of processes do RSPs currently run that is similar or able to be adapted?
Q3.1	○ How do RSPs alert customers of a register and the options available? Do they currently ask questions to assess vulnerability when someone signs up?
Q3.2	○ How does a consumer currently apply and what stages do they go through?
Q3.3	○ What recourse should a consumer have if they disagree with the decision?
Q3.4	○ What type of medical and police criteria do RSPs encounter on certificates, and how much discretion should the provider have to decide if the person is vulnerable?
Q3.5	○ How their soft landline options work and whether other RSPs utilise this option?
Q3.6	○ Do they regularly contact these consumers to see if their situations have changed?
Q4	How should the process deal with customers who are temporarily vulnerable or who move house or switch providers? Do they go through the process again?
Q4	How do we ensure that the approach is consistent across providers, so that the issue is addressed cohesively by the industry?
Q6	What information do providers currently collect on vulnerable consumers and how do you store and use it?
Q7	How will the process deal with consumers who have a copper landline now, but have it removed through the Copper withdrawal process

27. Consumers need to have a process to demonstrate that they are vulnerable (or will become vulnerable) and allow them access to an alternative means to contact 111 at no cost.
28. Our main goal of this session is to understand what processes are currently in place within the industry and what practical matters should inform the process for the Code.
29. We also want to understand how detailed the Code needs to be on the process, and how to make sure that its application by industry results in reasonably consistently consumer outcomes.
30. Spark outlined at a high level the process it currently has in place for registering vulnerable consumers. It noted that the number of customers on the register is not very large, but the number for the 111 Code is likely to be higher due to the increased awareness of the new scheme from industry advertising, the broader scope of the scheme and the benefits to consumers of registering.
31. Vodafone noted it follows a virtually identical process to Spark.

32. TCF noted that there is potential for a code to standardise what Spark are currently doing, but it is waiting for the 111 Code to be finalised to progress this work.
33. Trustpower noted that their assumption is that if a customer is not taking a fixed-line phone service that the customer already has a way to make calls, not just to emergency services.
34. Spark outlined that the Code could be drafted as a two stage process, where step 1 prompts the consumer to enter the identification process and step 2 would be for them to complete the form.
35. The Commission asked whether this would deal with consumers as they move plans and telecommunication providers and consumers whose vulnerability may be temporary.
36. Trustpower suggested that you should simply contact customers every year who are vulnerable to check if their status has changed
37. Vodafone questioned whether there needs to be an ongoing obligation on the RSP once the consumer has an alternative means of contacting 111, as the consumer could initiate any further contact.
38. The TCF outlined that the Code could either specify a specific process or specify that RSPs develop and follow a process.
39. Spark also noted that many consumers may already have a means even if they are vulnerable. If they have means (to contact 111 in a power failure), then they don't need to add them to a register. Or should the consumer be given the opportunity to opt out of receiving a solution they don't want?
40. WISPA raised concerns about the impacts of the RSP dealing with a vulnerable consumer and how to judge who qualifies or not. They suggested that a certificate from the Ministry of Social Development (MSD) or similar to prove vulnerability would make it easier and less impactful for RSPs.
41. Trustpower agreed that they do not support the RSP having to assess vulnerability, as they are concerned about the impact on their own staff of dealing with vulnerability details for their customers. They don't feel comfortable having to ask consumers for details of vulnerability.
42. Spark noted that they rely on police judgement for safety related issues currently, and don't get involved in the details themselves.
43. General agreement that RSPs shouldn't be asked to gather details of the vulnerability and make an assessment whether the person does qualify as vulnerable.
44. Trustpower asked about how we ensure that all vulnerable people are identified. The Commission explained that was the main reason the Commission's emerging views took the highly inclusive technology approach.

45. Spark noted that if the Act had intended to view all consumers on new technologies as vulnerable, then it would have stated that.
46. WISPA raised concerns and asked that a cost assessment for industry be completed before the regulation is put in place.
47. MBIE outlined that they considered it likely there might be 10-12,000 consumers who might qualify.
48. Vodafone noted that they don't foresee a lot of people trying to game the regulations and registering as vulnerable when they are not, and that the scale is likely to be relatively small as most landline customers will already have a mobile phone and mobile coverage.
49. WISPA outlined they consider that a disproportionate number of WISP consumers will be vulnerable and especially that the potential solutions in WISP areas will be considerably more expensive, as they often don't have mobile coverage. They also noted that that many newer houses sold don't have copper installed now. A lot of their customers choose not to keep their copper landline and rely on VOIP services that the WISPs provide even when the customer knows it won't work in a power cut.
50. Trustpower also noted that many consumers use 'over the top' (OTT) services (such as Skype) to make phone calls.
51. MBIE noted that it's not clear whether you can call 111 on OTT service even when its operating normally⁵.
52. Spark asked that the Code be clear about what the minimum amounts of information must be provided to customers, but also to allow RSP's some discretion about exactly how the message is delivered.
53. Trustpower noted that they would not want the 111 Code to end up acting as a barrier to entry by imposing processes that may have significant costs. They agreed with Spark that they should have some discretion, and especially if they wish to ask for less information, or burden of proof, from a customer.

⁵ Over the top services, such as Skype do not currently allow you to contact 111 emergency services in New Zealand.

Session 4 – Appropriate Means

Q8	What are the minimum requirements and additional guidance that providers need to assist them to provide good, fit for purpose solutions to individual consumers without undue cost?
Q8	Should we specify that the means must be fit for purpose for the consumer, and allow or require providers to assess consumers to determine a solution they can easily use?
Q10	How would the resolution of disagreements between consumers and providers over the options provided or presented to the consumer be handled?
Q11	Do any providers see possible supply issues that could prevent them from offering certain alternatives, ie batteries, mobile phones, copper landlines etc?
Q12	How should the return or disposal of an alternative means work when a consumer switches or the alternative means reaches end of life.

54. How we address appropriate means in the Code has implications for providers when considering options to contact the 111 service, including cost and practicality, and will impact consumers by informing them of options they may be offered or have access to from their provider.
55. Our main goal of this session is to understand how our current thinking around principles might work in practice.
56. Discussion on how the principles might work in practice
57. Outline principles to inform the discussion are that Alternative means;
 - 57.1 are intended to operate where the existing service is supplied (eg, the home)
 - 57.2 should cater for any specific circumstances of a consumer (ie, they can use it)
 - 57.3 should be supported by the provider for the life of the service being provided
 - 57.4 should be provided with clear instructions on how to operate and maintain it
 - 57.5 must operate for the minimum period
58. We would like to discuss our principles in the context of three basic 'lifecycle' stages for an appropriate means.
 - 58.1 Identifying an appropriate means for a consumer
 - 58.2 Providing the appropriate means (ie, installation, instructions etc)
 - 58.3 Ongoing support, switching and end of life replacement/disposal
59. There was general agreement amongst participants that the alternative means is meant to operate in the home and isn't required to operate anywhere else.

60. Vodafone raised that if an alternative supplied is a mobile phone what happens if the person takes it out of the home? Would the RSP still be considered to have met its obligations?

Catering to the specific circumstances of a consumer

61. Chorus asked whether there is a risk around consumers who won't use a particular alternative rather than can't use it, and whether that also means specific handsets or solutions for specific users, eg those with physical disabilities or similar.
62. Vodafone noted that current communication about 5G could lead to some people arguing that mobile phones are unsafe or that they have an electromagnetic field (EMF) vulnerability and refusing a reasonable means to contact 111.
63. Trustpower raised that they see the need for a complaints/disputes resolution process that would rule on any disagreements over the alternative means provided.
64. Spark noted that perhaps the solution shouldn't be tied to specific people but so the household can use the device
65. WISPA considered that a really simple device could be made available that could cater for most users especially if there are multiple users in the home.
66. MBIE raised the issue of visibility of the means beyond its initial provision, eg where is it kept, is it charged etc.

Areas with no or limited mobile coverage

67. Vodafone noted that some of the network infrastructure or emergency services call answering may go out in a power failure, so some copper lines won't work anyway or allow you to call 111.
68. The Commission stated that the Code is not about network or 111 call answering reliability, it is focused on power failure in the house. The purpose of the Code is not to mandate network reliability or other performance requirements, and that these are outside the scope of the Code.
69. WISPA put forward that the Code should really exclude rural areas that have no copper as the customer accepts they are isolated and knew that when they chose to settle there. What should happen to vulnerable customers in that case, should they opt out or be considered to have opted out? This is because the customer's location and circumstances are really a choice. How much is it on the provider to ensure the connection when the consumer is making a clear conscious choice?
70. The Commission felt that it that it goes back to clear messages and consumer education so that consumers understand the impact of their choices.
71. WISPA is concerned that this is potentially a large cost for them to service consumers on their networks.

72. Chorus noted that while per customer it might be expensive the costs could be spread across the customer base and that would have a different (much lower individual) effect.
73. Vodafone outlined that a minimum level of contact could be a message alert or text style contact to the 111 emergency services similar.
74. There was general support for this type of text based solution.
75. Trustpower stated they would probably seek to offer solutions that were as like for like for the consumers normal contact method as much as possible.

Copper landline as back-up

76. There was general agreement from participants that if the (analogue) copper landline can be used then it would cover most customers.
77. Spark noted that the TCF Disconnection Code allows for disconnections that support calling a very limited set of numbers, including 111.
78. Chorus noted that the copper network requirements have four basic areas where different rules apply, and that they would expect to receive their normal monthly rental for any provision of a copper landline to a consumer.⁶

Process for providing the alternative means

79. Vodafone felt the process as discussed earlier, with general awareness and specific discussions at point of sale, offers a good opportunity to ask about vulnerability and alternative means. There is some potential complexity around balancing that message with a more details conversation about the needs of the particular person (eg, what alternative means might be appropriate).
80. Several participants noted that there is an additional expense or complexity to trying to monitor battery back-ups and understand whether they require replacement or maintenance.
81. It was also raised that a follow up when a device reaches end of life provides a good opportunity for asking about whether the person is still vulnerable.
82. Trustpower considered that regular contact, say on an annual check-up basis, would work. They considered that there is a responsibility on consumer to ensure the device remains in the home.
83. Spark considered that there might be wider obligations, such as on local fibre companies (LFCs) for installation or maintenance of battery back-ups for ONTs or similar.

⁶ The four are: 1) TSO areas outside SFAs, 2) Non-TSO areas outside of SFAs, 3) Inside SFAs – where Chorus has offered some copper (on non-regulated terms) if services were cut and: 4) Inside SFAs – where withdrawal of copper is permitted (or will be done under the Copper Withdrawal Code).

84. The Commission asked whether the Code needed to make any statements about product safety. General agreement that this was not needed as the normal product safety requirements under other legislation is sufficient and all providers have to abide by that for any equipment they supply.

How might it work under contractual agreements with the consumer?

85. Chorus noted that using copper lines as an alternative/backup could be provided subject to the existing commercial/regulatory arrangements.
86. Spark noted that they consider that the Code should allow the RSP to claw back costs or request return of the device if the RSP wishes to do so when the consumer either switches provider or ceases to be vulnerable.
87. MBIE questioned whether the Code should require the provider to make sure the functionality of the consumers existing service runs to avoid the hassle for the consumer of having to use an alternative device. Ie, MBIE asked whether the minimum should be making sure the existing technology will work in a power failure
88. The Commission expressed the view that the Code should be neutral on the means to be provided, as requiring the providers to ensure the normal connection technology works may be unreasonably expensive when the consumer may be able to use a cheaper alternative.
89. The Commission noted that the Code may result in some requirements or expectations on consumers and that education needs to be clear from providers about what those might be, such as keeping your mobile phone plugged in/charged.
90. Spark noted that they could offer support for consumers for a fee, and that it could be an opportunity to cover consumers who are concerned about power vulnerability but might not be considered vulnerable under the Code.
91. Vodafone noted that the alternative means could be offered at retail stores to assist consumers who might want to see what they are being offered.
92. Trustpower asked that the Code should to be clear on any minimum requirements for the means, and be clear about what must be provided and what (if anything) cannot be provided.

Escalation and complaints

93. The TCF noted that the Act assumes that the industry dispute resolution mechanism (currently the TDRS) will be the dispute mechanism.
94. Chorus considered that the approach should be consistent with current industry processes and ideally the TDRS process, and also similar to how the Copper Withdrawal Code escalation and complaints process would operate.
95. Trustpower agreed that the escalation process should be similar to the Copper Withdrawal Code.

The minimum period

96. The Commission stated that it had received a number of submissions on the minimum period and outlined that it is planning to do an analysis of the electricity outages in New Zealand as a basis for the minimum period that the means must operate. It expects this to be presented for consultation when the draft code is released.