



TCF Submission to the Commerce Commission
Copper Withdrawal Code Review

9 November 2023

PUBLIC VERSION

A. Introduction

1. Thank you for the opportunity to comment on the Commerce Commission's (Commission) Copper Withdrawal Amended Code 2023 Draft Decisions and Reasons Paper (Paper) published 27 September 2023.
2. This submission is provided by the New Zealand Telecommunications Forum (TCF). The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers.
3. In general, the TCF supports the proposed changes the Commerce Commission has described in its Draft Decisions and Reasons Paper (the Paper) and its aim:
 - i. to simplify and improve the notice process;
 - ii. allow flexibility in end-user communication channels; and
 - iii. provide additional pause mechanisms to help resolve process issues.
4. Our submission has focussed on the Code's requirement to issue confirmation and continuation notices specifically, the Commission's draft decision to retain Continuation Notices.

B. Confirmation and Continuation Notices

5. In the last consultation, Chorus proposed removing the requirement to issue Confirmation and Continuations Notices at the end of the Notice Period, instead relying on a Final Notice to outline the outcomes.
6. We agree that Chorus should be required to provide the Continuation Notice to end-users' where they have not met their responsibilities under the code. We do not dispute this, as the scenario is consistent with the message / notice intention here. However, this is not the same as a late fibre order, or order still in progress.
7. The Commission's reasoning behind the decision to retain Continuation Notices appears to cater for an end-user who has ordered a retail fibre service after receiving the Final Notice but during the Notice Period. This is because the 'withdrawal date' is subject to change and Chorus needs to follow the relevant minimum requirements. We don't disagree with this but we see them as different scenarios that should be distinguished and have a more nuanced approach to the process.
8. The aim of Chorus' proposal was to improve the consumer experience and notice process. If the Continuation Notice requirement remains for late / in progress fibre orders, this is confusing for consumers and adds complexity and cost to the industry – not just Chorus.

Especially where a consumer cancels their order, stays on copper and end up in a future batch of copper withdrawal.

9. The TCF supports a revised proposed approach which is to carve out in the requirement for “Continuation Notices” where a fibre order is in progress and /or was ordered late (including after the Final Notice but before the end of notice period). Communicating the ‘in progress’ fibre status to the end-user in the Final Notice, rather than in a Confirmation Notice. This will result in communicating a clearer message to the end user of the outcome (copper will stay on until the fibre order is complete). This process is also consistent with what an end-user can expect from ordering fibre “copper will be withdrawn once you’ve moved on to an alternative service” – a message relayed in each notice and the purpose of the process.

C. Conclusion

10. We suggest that the Commission review its draft decision on this point (as proposed) because otherwise the likely outcome will be continued consumer confusion, will add cost and complexity to the process and create the wrong incentives for end-users.
11. The TCF is happy to answer any questions the Commission might have on the views set out in this submission, please contact: [REDACTED]

The NZ Telecommunications Forum (TCF) was established in 2002. It plays a vital role in the telecommunications industry in New Zealand, collaboratively developing key industry standards and codes of practice that underpin the country’s digital economy. Our objective is to actively foster cooperation among the telecommunications industry’s participants, to enable the efficient provision of regulated and non-regulated telecommunications services.

TCF Members include: 2degrees, AWACS, Chorus, Connexa, Devoli, Electric Kiwi, Enable Networks, FortySouth, Kordia, Mercury, Northpower Fibre, NOW, One NZ, Spark, Symbio Networks, Tuatahi First Fibre, UnisonFibre, Vector Fibre. Associate Members of the TCF are Hourua Limited and WISPA-NZ which represents 28 Wireless Internet Service Providers across New Zealand.