



**ENABLE NETWORKS LIMITED, NORTHPOWER FIBRE LIMITED,
NORTHPOWER LFC2 LIMITED AND ULTRAFAS FIBRE LIMITED**

**SUBMISSION ON THE
DRAFT 111 CONTACT CODE**

17 July 2020

PUBLIC VERSION

1. Introduction

This submission is made by Enable Networks Limited, Northpower Fibre Limited, Northpower LFC2 Limited and Ultrafast Fibre Limited (collectively referred to in this submission as **LFCs**) in response to the Commerce Commission's (**Commission**) publication of the Draft 111 Contact Code (**Draft Code**). In this submission, where we are not commenting on the contents of the Draft Code, we agree with the Draft Code.

2. Provision of appropriate means

2.1 The LFCs agree with the wording in the Draft Code that the appropriate means for contacting a 111 emergency service is provided by the provider of the specified telecommunications services to – and the party who has the direct billing relationship with – the vulnerable consumer, which are the retail service providers (**RSPs**). This approach also gives the RSP the flexibility to choose the type of appropriate means they supply to the vulnerable consumer, and because the appropriate means will depend on the circumstances of each vulnerable consumer.

2.2 We note the Commission's comments in its reasons paper that any subsequent allocation of all or some of the costs incurred by the RSP in providing the appropriate means to the LFC is a matter for those parties to determine between themselves and sits outside of the code. We agree with the Commission's position on this point. We maintain that RSPs should bear all costs associated to deliver an appropriate means to vulnerable consumers, as it incentivises RSPs to provide efficient solutions. We do not consider that RSPs will have the right incentives to seek out efficient solutions and achieve the purpose of the Code, nor consumers will be best served, if the full cost is not met by the RSPs. The only solution the LFCs can provide to restore service to our equipment in the customer premises (which is the optical network terminal, or ONT) is a battery back-up solution. If the LFCs were required to supply this, the RSPs would not be required or incentivised to investigate or supply any other type of appropriate means because the customer can use that battery back-up to power the RSP equipment, irrespective of the fact that a battery back-up may not be the most appropriate means for the customer.

2.3 The RSPs are best placed to educate their customers about the choices available and the impact of those choices depending on their specific circumstances because of the direct relationship the RSPs have with their customers.

2.4 The RSPs can engage with the LFCs to confirm that the battery back-up solution proposed by the RSP will support the operation of all RSP and LFC equipment in the customer premises. This would not require any significant work, nor will present any additional complexity or cost to the industry, and it will most definitely not create an unnecessary risk for vulnerable consumers. It will also mean the RSPs can assure their customer that, where they agree the appropriate means is a battery back-up solution, that solution will restore service.

3.0 Final comments

3.1 We thank the Commission for the opportunity to provide feedback on the Draft Code and would be happy to discuss our comments in more detail.