

One NZ response on draft Copper Withdrawal Amended Code 2023

9 November 2023

1. We welcome the opportunity to provide feedback on the Commerce Commission's (**the Commission**) draft Copper Withdrawal Amended Code 2023 (**Amended Code**). Below we have raised some key issues with the Amended Code. We ask that the Commission consider and address these issues before publishing the final Amended Code.
2. The Amended Code has removed the requirement on Chorus to include the proposed date of withdrawal of the copper service in all of the notices that they send to end-users. This means that end-users will not be notified of the date of withdrawal until Notice 3 (i.e. between 30 – 40 working days before the date the notice period ends). We disagree with this change and think Chorus should continue to be required to provide the proposed withdrawal date in all of their notices. It is important to provide transparency to end-users about when they will cease to have access to copper services as early in the process as possible. Providing a proposed withdrawal date gives end-users a deadline and acts as a reminder of the need to migrate to an alternative service before their copper service is switched off. Having Chorus' proposed copper withdrawal date included in their notices also supports our conversations with customers throughout the notice period. Our customers often want to see evidence that copper is actually being withdrawn by Chorus before they agree to move onto an alternative service (particularly customers who are generally resistant to this change) – currently, the proposed withdrawal date is the evidence that we can refer to.
3. The Amended Code has introduced the ability for Chorus to use alternative methods of communication, such as email, subject to an end-user opting in to receive communication in this way. The Amended Code states that Chorus will only be able to use the information collected for the purposes of delivering notices related to copper service withdrawal. However, it is not clear how this will be enforced to ensure that Chorus does not use this information for other purposes. We note Chorus' objective to 'be an active wholesaler' and

promote fibre uptake¹. It is therefore legitimate for us to have concerns about how the information collected through the copper withdrawal process is used, for example ensuring that it is not used for direct-to-consumer marketing which we've seen Chorus undertake in the past. We ask the Commission to confirm what governance framework will be put in place to ensure the information collected by Chorus is only used for the purposes of copper withdrawal.

4. Lastly, the Code requires Chorus to provide a notice seven months prior to copper withdrawal to relevant fibre service providers. We ask that the Amended Code extends this requirement to RSPs too. We note the Commission's decision not to accept our recommendation for Chorus to provide RSPs the forecasts of the size and location of planned copper withdrawal in advance. The Commission's Reason's paper states: 'RSPs would have at least six months' notice of each instance of copper withdrawal, which should give them sufficient time to manage migrations to new telecommunications technologies.'² Receiving six months' notice means that RSPs are informed about copper withdrawal at the same that as our customers – this does not give us sufficient time to plan accordingly. We therefore request that the Amended Code requires Chorus to provide RSPs with seven months' notice prior to proposed copper withdrawal date.
5. Please contact the following regarding any aspect of this submission.

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¹ https://assets.ctfassets.net/7urik9yedtc/nzx-doc-406647/c3adddbaab9def3153ff8f2bdb8f0bf9/Chorus_ASM_-_Chair_s_Speech.pdf

² Copper Withdrawal Amended Code 2023, Draft Decisions and Reasons, 27 September 2023, p. 29