



**Spark<sup>nz</sup>**

Commerce Commission Letter:  
Marketing Of Alternative Services To Consumers  
During Copper/PSTN Withdrawal

Public Version

Commerce Commission

27 August 2021

## We Support The Commission's Approach and Principles

1. The Commerce Commission's letter of 4<sup>th</sup> August sets out the Commission's concerns with the marketing of alternative telecommunications services to residential consumers on copper-based services. The letter proposes conduct principles to address specific concerns.
2. We support providing complete, clear and accurate information for consumers so they can make informed purchasing decisions. This is especially important when this decision is driven by the withdrawal of copper or PSTN to their premises. In these cases customers need to understand the process as well as the options available to them, together with the relative benefits of different technologies.
3. Many of the principles suggested have wider application than just copper or PSTN withdrawal and are relevant to our general marketing of our broadband products and how we talk about them on our website etc.
4. It has been important to be clear on our messaging to consumers who will need to move off the copper network as they need to understand that they will need to take action or their services will be disconnected. But we have also sought to make sure our customers are properly informed of the process and their options, without confusing them or causing undue stress.
5. As the Commission notes, customers who are currently on copper-based services are more likely to be vulnerable, elderly or less technologically aware. Where we do identify customers with particular needs we offer them extra support to help them navigate their migration if they require it.
6. Our objective is to ensure all customers (not just those who are less technologically able) have the right information to make an informed decision about their options. We also want to give them adequate time to make their decision, while recognising the reason we are contacting them is because the service is being withdrawn.

## From Pilot To BAU

7. Spark started its formal PSTN withdrawal process in Devonport and Miramar on 15 September 2020. We approached these early locations as a pilot, closely monitoring the success of different approaches and activities to find out what worked best for consumers.
8. Spark is continually refining our processes and communications taking into account feedback from our customers. Ultimately, we want customers to be happy with the service they receive from Spark and it is counterproductive to encourage them to take a product which is not suitable for them.

## Mechanism To Ensure Compliance

9. For the principles to make a difference they need to be implemented by all retailers whether they are small or large, wholesale or retail. Any provider who is marketing services or technologies to a customer should be bound by the principles so as not to distort competition. If they do not apply universally then they are effectively penalising providers who do follow the rules.
10. However, we note the open letter is the first time the Commission has spelled out its new preferences for how providers should speak about things like broadband speed. So it might be that a voluntary code would be adequate in the short term as providers now have a good steer from the Commerce Commission on what is required and will move to update their marketing information.
11. If a more formal approach is needed to ensure all RSPs comply, then we support the Commission issuing the principles and outcomes to the industry as guidelines under section 234, with the TCF given the chance to develop an industry RSQ Code.

## Scope Of Compliance

12. For consistency, clarity, and to address the Commission underlying concerns, the principles should apply to anybody making recommendations or claims to consumers about PSTN or copper migrations. This should include LFCs as well as online services which are promoting technology choices.
13. We recommend the Commission adopts a neutral approach to the definition of who the Code applies to, so it is clear it equally applies to an access network making claims about technology options during a withdrawal, or a price comparison website recommending services to a consumer looking to switch provider.

## Overlap With Other Codes

14. Most of the principles in Outcome 4 are already covered by the 111 Contact Code. This is already mandatory across the industry for providers offering landline voice service to their customers. We would caution against duplicating requirements across multiple Codes as it creates compliance complexity, especially if the requirements change over time and get out of sync.
15. If the Commission wishes to include information required under other Codes within the principles, we suggest it should do so by reference rather than introduce duplicate requirements.

## Timeframes To Implementation

16. There are two timeframes which need to be defined for the new Code – the time by which the Code needs to be agreed and published (the ‘implementation date’) and the date by which various aspects of the Code come in to force (the ‘compliance

date'). We interpret the Commission's 60 day lead time to be the date at which the Code comes is published.

17. The 60 day timeframe for implementing a Code from when the guidelines are finalised is potentially challenging. It may be possible to implement an industry Code within 60 *business days* (12 weeks) of the guidelines being published but that depends on a number of things:
  - a. The ability for the TCF to simply 'lift and drop' the guidelines into the body of a Code without further editing or refinement.
  - b. The ability for the TCF to skip the public consultation phase of the Code development process (because the Commerce Commission has already consulted on the principles/guidelines).
  - c. The availability of resource at the time the guidelines are finalised, allowing for corporate shutdowns and holidays over Christmas and New Year, issues related to the global pandemic etc.

### Timeframes For Provider Compliance

18. We recommend providers are given at least a further 3 months to be fully compliant with most of the requirements in the Code once it is published. There will however be certain parts of the Code which require a longer implementation timeframe by RSPs.
19. It is important that the Commerce Commission sets realistic timeframes for providers to comply with the guidelines, whichever way the Code is implemented:
  - a. It takes time to update our marketing and our website details. Our websites are built in a way which means that updates need to be scheduled. Printed collateral for physical notices and store collateral all take time to prepare and print.
  - b. Some of the guidelines will require changes to our products and processes. It is important that any changes in our products, marketing and processes are managed in a way that comply with our terms and conditions, and that we are using the most accurate and relevant data when making claims about our plans. It takes time to set up robust systems and processes.
  - c. The requirements for displaying speeds for broadband may require additional reporting from Measuring Broadband New Zealand ("MBNZ") which will take time to implement.
20. We will only be able to confirm timeframes for implementation once the final principles are confirmed and we work through the impact on our products, marketing, processes and systems.
21. It is important that the Commission takes account of the time and effort required to make changes. For example, the 111 Contact Code set unachievable deadlines for

RSPs to implement the new 111 registration process and send out information to consumers, which resulted in RSPs asking for an extension. While we accept that changes need to be implemented quickly, we have limited resources which are already committed to improving services for customers, and some changes need to be scheduled around system and website releases.

That said, Spark is already looking at making changes to some of its marketing information to reflect the Commission's thinking from the open letter. But there are likely to be some areas where we need longer to implement (primarily those where they require system or process changes), and some where we are reliant on third party information being available.

## Broadband Speeds

22. We welcome the clear steer from the Commerce Commission on how we should talk about broadband speeds.
23. Based on the Commission's letter we are undertaking a programme of work to replace our 'up to' speeds claims with averages and these will be implemented over the next couple of months as we update our website. We will move to using the 'likely actual peak time download speed' which we take to mean the 'peak time average download speed' as shown in the Commerce Commission's Measuring Broadband New Zealand report.
24. Using average figures carries risks as it may be seen as a speed expectation. It is important that customers understand the 'average' for a technology is the average speed measured across all customers in New Zealand, and not the average speed that an individual subscriber will receive.
25. We need comfort that we will not breach our Fair Trading Act obligations if we follow the Commerce Commission's recommendation to use average speed claims instead of 'up to' speed claims on our plans.
26. It would be helpful therefore for the Commission to provide us with standard wording to use alongside the average speed claims to help customers understand what they represent.
27. For example, text in the format "Average speed for [RSP (optional)] [broadband plan name] across NZ at peak-times – results vary for individual customers" would be useful:
  - a. MBNZ Average speed for 4G wireless broadband across NZ at peak-times – results vary for individual customers
  - b. MBNZ Average speed for Spark Fibre 100 across NZ at peak-times – results vary for individual customers
28. Spark is not in a position today to report our own average speeds based on our own speed testing. Over time we may be able to use our own measurements but for now

as an industry we are reliant on the Commerce Commission's Measuring Broadband New Zealand (MBNZ) report.

29. Using the MBNZ report introduces some challenges:

- a. It does not report on all plans that we offer or plan to offer (eg Fibre 50)
- b. Not all technologies are covered by the reports (eg 5G wireless)
- c. There will always be a lag when adding new plans or technologies to the report as a representative panel of volunteers are recruited and their results incorporated into the regular plan reporting cycle
- d. The report only splits out RSP specific results for Fibre 100 and Fibre Max
- e. The distribution and set up of volunteers for some technologies is likely not representative of our actual customer distribution and/or typical performance and so may be under-reporting performance
- f. Some RSPs are not tested at all by MBNZ so their performance does not contribute to the industry average results

30. We therefore propose to take the following approach to average speed claims and would like to see this adopted as the industry standard approach:

*Spark specific speeds*

31. Where there is a Spark-specific MBNZ reported number, we will use that instead of the industry average. This is because it more directly reflects the speeds our customers are likely to experience.

32. Where we are confident that a Skinny plan has the same performance as the equivalent Spark plan and there is a Spark reported number we will use the Spark number for Skinny broadband.

*Technology speeds which are reported but not broken down by RSP*

33. Currently only Fibre 100 and Fibre Max are reported by RSP. Where there is a technology that is not split out by RSP we will use the industry averages.

*Fibre speeds – overclocked*

34. Some plan speeds are not reported in the MBNZ reports, such as Fibre 50 and Fibre 200. For these plans we will have to make an assumption on the speed to use, using the method set out below where the LFC has informed us that a particular fibre product is overclocked.

35. The most recent MBNZ report shows Fibre 100 services have a peak time average of 101.1Mbps across all measured RSPs. We extrapolate this to mean that all overclocked fibre services can report an average equal to the fibre plan speed. Eg Since Fibre 50 is overclocked so we will show an average of 50Mbps.

36. We do not yet know the technical specification for Chorus' proposed upgrade of Fibre 100 lines to 300Mbps but we suspect it will be overclocked. If it is overclocked,

we might expect it to have a peak time average of 300Mbps but this would need to be confirmed.

#### *Fibre speeds – not overclocked and speeds faster than Fibre Max*

37. Some fibre services are not overclocked – the current reported example is Fibre Max which the MBNZ report shows as 855.2Mbps across all measured RSPs, and 859.8Mbps for Spark.
38. We would need guidance on what speed to show for non-overclocked services and services which run faster than Fibre Max.

#### *Fibre speeds – same plan different LFC inputs*

39. Not all LFCs offer the same input plans. To keep things simple for customers we combine some wholesale fibre products into the same retail plans. However, the performance a customer will receive is different depending on which LFC area they are in.
40. For example, our FibreBASIC product may be based on a 30/10 or 50/10 input depending on location. We are also aware that some LFCs are considering changes to the speed profiles of their entry level plans. Currently we address this by describing the speed as ‘up to 50Mbps’ and provide notes to the customer on what to expect in their location.
41. It is unclear what average we would use in this example as we would not want to complicate our national marketing by introducing new plans for each combination of LFC input product.
42. For now we are considering saying ‘Average speed for Fibre BASIC is 50Mbps or 30Mbps across NZ at peak-times – results vary for individual customers’.
43. This approach needs further discussion because Chorus has indicated it is considering increasing the speed of its Fibre 100 product to 300Mbps. This will have several implications for MBNZ including:
  - how we describe plans before and after the transition
  - how we describe plans where the Chorus and LFC inputs are considerably different in performance (100Mbps vs 300Mbps)
  - when will the results of any speed increases be seen in the MBNZ report so they can be used for reporting

#### *Wireless Speeds*

44. Wireless broadband speeds are more complex than fibre in that the speed the customer receives is dependent on the signal strength as well as the capability and capacity of the cell sector they are connected to. Some rural customers may also have an external antenna which will impact their performance. Like ADSL and VDSL, the performance of fixed wireless broadband can vary significantly by geography. It can also vary depending on the type of modem the customer is using.

45. We will need to rely on MBNZ results for these services, but we have some unease about how fixed wireless speed is currently reported by MBNZ. Our concerns primarily relate to the distribution of the volunteers and how they reflect typical Spark (or Skinny) broadband customers based on signal strength, sector capability and capacity, modem types etc. We will continue to discuss this in more detail directly with the Commission and SamKnows.

#### *Urban / Rural Splits And Other More Granular Breakdowns*

46. For fixed wireless broadband, once the customer has provided us with their address we can then determine whether they are rural, urban or metro. This will become important where we sell plans that are specific to, for example, rural parts of the country only. The December 2020 MBNZ report included an urban/rural split for wireless but this has not been reported since. We encourage the Commission and SamKnows to reintroduce this reporting following consultation with fixed wireless providers on what parts of the country should be classified as “rural”.

#### *New Plans and Technologies*

47. The MBNZ programme does not currently measure 5G wireless broadband speeds so we will need to use our estimate for this technology speed based on our best available information.

48. The MBNZ does not test speeds faster than Fibre Max at present.

#### *Other Factors Impacting Speed*

49. Many of our customers use their own modems which can have a material influence on speed and performance. Sometimes this is because of specific technical limitations (eg the modem has a 100Mbps ethernet port so cannot go faster than this even if they upgraded their service to Fibre Max). Others simply perform better than others even with the same technology.

50. Spark wireless customers need to use a Spark modem. Newer models of our modems perform faster than older models.

51. This needs to be factored into the MBNZ report so that RSPs are not penalised by their customers using non-recommended or older modems – otherwise the MBNZ is not reporting the speeds that a new customer could expect from a service, which is the purpose of using MBNZ speeds in our marketing.

#### *MBNZ Reports*

52. We request that future MBNZ reports include a table of the average speeds that should be reported for each plan technology in common use, including numbers broken down by RSP where this is reported. Plan technology numbers should be used by all RSPs even if they are not part of the MBNZ testing pool.

53. This table should also be included on the Commerce Commission website and/or the Measuring Broadband New Zealand Dashboard.



54. If providers have their own information about actual service performance they should be permitted to use this information provided the results are objectively justifiable and independently verifiable.

#### Marketing Of Alternative Telecommunications Services

55. There is a balance to be struck between providing enough information to customers without confusing them by providing too much information. We want to keep our messages simple and understandable, without missing important information. As an industry we admit that we don't always get this balance right. But there is a danger in swinging too far in the other direction and overloading customers with info which may not be needed for most people.

56. Ultimately we need to give enough core information so they can make an informed decision without making things too complicated or difficult.

57. We think we've got the balance about right for our PSTN migration: We recommend fibre or wireless services depending on the customer usage, but we also have plenty of examples of customers choosing a different technology from what we've recommended (see Chart 1 below). This suggests to us that customers understand their options and our processes do not tie them in to one particular technology.

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***Chart 1 Proportion of consumers (voice and/or broadband) taking up our recommended technology option.***

58. For now, we recommend a high-level approach where the provider clearly explains:

- a. What is happening and why
- b. What the customer needs to do and by when

- c. What option is recommended for that customer based on their current usage
  - d. What other options are available to the customer from their existing RSP if they don't want the recommended option
  - e. That the customer can change to another provider without losing service or losing their landline telephone number
59. We agree that consumers should be given sufficient information to decide what alternative telecommunications service is best for them as they transition off copper-based services. However, we caution against requiring RSPs to go too far on this as a competitive market should enable customers to easily see what other providers are offering.
60. We also need to be careful the Commission is not 'picking winners' in terms of technology choices.
61. It is absolutely appropriate that RSPs are prevented from misleading their customers either in terms of their options, or the urgency with which those decisions need to be made.
62. It is also right that RSPs should remind customers that if they don't like the options provided by their RSPs then they should be able to change provider and if they change their provider at their current address they can keep their landline number. However, the amount of detail that an RSP is required to provide need not be extensive as a competitive retail market means that customers have a wide variety of different RSPs to choose from.
63. It was appropriate to include a requirement to mention other technologies in the Copper Withdrawal Code. Chorus is not a retailer, but due to its monopoly position in copper access it has the opportunity to drive customers to its fibre service at the expense of other technologies. This is why it was important for Chorus to acknowledge that other technologies were available.

#### External websites

64. The Commission suggests we refer customers to [broadbandmap.nz](http://broadbandmap.nz) but we are not convinced this site will be of use to the typical consumer who is likely to be confused by the technical detail of the site and the lack of important coverage information.
65. We would also stop short of recommending a specific price comparison website as we do not believe any of the existing sites provide fully neutral recommendations.
66. Our observation is that price comparison website rankings are often influenced by commercial factors and the way that some RSPs structure their offerings such as introductory periods with lower monthly rental charges. The result is that consumers are not given 'neutral' results despite having a higher expectation that a price comparison website will be fair in how it presents its results.
67. The Commission noted possible concerns over the transparency and independence of these websites and the accuracy of the information they present in the Mobile

Market Study, and said that it would evaluate them further as part of its wider consumer work<sup>1</sup>. We look forward to engaging with the Commission on this work.

68. Linking customers to third party websites may have a role to play in future, but the sites are currently not robust or consumer friendly enough. Before requirements are made to link to specific websites we recommend:
- a. the Commission defines a set of principles for price comparison websites which can be used to create an industry code or standard. If we chose to link to a comparison website we would only link to one which meets these requirements. We support the approach in the UK where Ofcom has an accreditation scheme for price comparison tools<sup>2</sup>.
  - b. The TCF and the Commission work together to create a user-friendly page which contains general information about the Copper withdrawal and PSTN withdrawal processes and options available to customers
  - c. Industry works with broadbandmap.nz to see if this can be made more consumer friendly.

69. It is important if we include links to specific websites on our marketing that the URL should be short and readable, and the webpage remains available using that link.

#### Usage Information

70. Finally we note the Commission's requirement to make usage information available to consumers. This is another complex area.
71. We consider this is appropriate for broadband usage but question whether it is helpful for telephony services where pricing of non-inclusive calls can be complex and calls can be part of unlimited calling bundles. Call plans will be available if the customer takes a landline service on the new technology, so the focus should be on the RSP informing the customer of any differences in the structure of the plan rather than providing detailed information about calls made.
72. Spark provides broadband usage information today as a graph which customers can view via their MySpark app and website. There would be added complexity if the information (broadband usage etc) needs to be in a format where the customer can download the information.
73. Skinny and Big Pipe currently do not provide this information and would require system development to make this available. We have not scoped this work so do not know the likely cost or how long it would take to implement.
74. We recommend a separate discussion on this in the context of the Customer Data Right, as the timeframes for implementation could be significant.

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<sup>1</sup> Mobile Market Study at 4.166

<sup>2</sup> <https://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/costs-and-billing/price-comparison>

## Appendix 1 - Comments On Individual Principles

<b>OUTCOME 1: CONSUMERS ARE GIVEN APPROPRIATE NOTICE OF ANY CHANGE TO THEIR COPPER-BASED TELECOMMUNICATIONS SERVICES AND SHOULD NOT HAVE TO MAKE DECISIONS UNDER PRESSURE OF TIME.</b>	
(a) RSPs should provide consumers with as much notice as possible, and not less than four months' notice, of any change to their copper service.	<p>We agree 4 months is sufficient. This matches what Spark does today with its PSTN switch-off communications.</p> <p>Four months strikes the right balance between driving the customer to action with a meaningful deadline, while giving them enough time to consider their options and place an order.</p>
(b) RSPs should explain clearly to consumers the reasons why they need to move off their copper service and onto an alternative service.	Agree
(c) RSPs should not give copper withdrawal as a reason for moving unless they can point to a formal notification from Chorus relating to that consumer's premises.	Agree
(d) RSPs should not give PSTN withdrawal as a reason for moving unless they can point to a formal notification from Spark relating to that consumer's premises.	<p>Agree. Spark provides its wholesale PSTN customers with an excel sheet list of their customers who are subject to our PSTN withdrawal. This includes the date at which the service will be withdrawn.</p> <p>The sheet is updated weekly and initially gives at least 4 months notice to the wholesaler of which of their lines will be withdrawn.</p> <p>Our processes are such that we notify our wholesale customers at the same time as our internal channels.</p>
(e) RSPs should be open with consumers about any commercial decisions they make to cease supplying copper services ahead of formal copper	<p>Agree.</p> <p>Spark is withdrawing copper broadband at the same time as PSTN because our internal systems for provisioning voice and copper broadband services are inextricably linked. We do not consider this a 'commercial decision' as it is part of our PSTN withdrawal and not something we have decided to do in isolation.</p>

withdrawal by Chorus or PSTN withdrawal by Spark.	
(f) RSPs should avoid creating the impression that copper services (including re-sold PSTN services) are not available to consumers just because that RSP has decided to cease supplying them ahead of formal withdrawal by Chorus or Spark.	Agree. There are legitimate reasons an RSP might want to grandfather a product but they should not claim the decision is driven by a PSTN or copper withdrawal if it is not, or that copper services might not be available from other RSPs on a particular line.
(g) RSPs should respond in a timely and accurate manner to all requests for clarification or further information from consumers.	Agree
<b>OUTCOME 2: CONSUMERS ARE GIVEN SUFFICIENT INFORMATION TO DECIDE WHAT ALTERNATIVE TELECOMMUNICATIONS SERVICE IS BEST FOR THEM AS THEY TRANSITION OFF COPPER-BASED SERVICES.</b>	
(a) RSPs should remind consumers that they are likely to have the choice of several competing options depending on their location – including different technologies, services and service providers.	<p>We agree with this approach in principle, but it should not be for an RSP to promote its competitors’ offerings or list all available technologies. See earlier comments for more detail.</p> <p>Instead the requirement should only be that the RSPs makes a high level statement that if none of the options offered by the RSP are suitable then the customer is able to go to another RSP with no early termination fee applied, and that if they move they should be able to change service without losing their service, and they will be able to keep their existing landline telephone number.</p>
(b) RSPs should encourage consumers to use independent information, such as Internet New Zealand’s <a href="http://www.broadbandmap.nz">www.broadbandmap.nz</a> , to see what alternative services are available at their location.	<p>See earlier comments for more detail.</p> <p>We think it would be premature to require RSPs to link to <a href="http://broadbandmap.nz">broadbandmap.nz</a> as the site would be confusing for the typical consumer. The site does not, for example, accurately represent at an address level where fixed wireless services are available. Further work is needed by industry on this.</p>
(c) RSPs should ensure that consumers have information on	See earlier comments for more detail.

<p>their usage and spend profile so that they can meaningfully compare different services and service providers.</p>	<p>This is potentially better driven by the separate CDR workstream and could be added to the principles in a later phase.</p> <p>Spark customers today can see their broadband usage for the last 12 month broken down by month and information on their plan cost. This is broadband specific however and in graphical format. We would need system development to make the information downloadable. We also note that Skinny and Bigpipe do not currently have the capability to report broadband usage.</p> <p>Adding telephony usage information would be considerably more complex and we suspect the consumer benefits will not outweigh the cost.</p>
<p>(d) RSPs should prompt consumers to use the information available to them to decide what technology, service and service provider is best for meeting their requirements.</p>	<p>Agree.</p> <p>We have put a lot of work into our recommendation engine for PSTN withdrawal. Our recommendation engine uses a series of rules built into decision flow logic that assesses in-scope consumer customers to develop customer specific recommendation.</p> <p>The customer does not have to accept our recommendation and can easily choose another option instead. We have observed this in practice with a proportion of our customers recommended fibre service taking wireless services, and vice-versa.</p>
<p>(e) When promoting a particular service to a consumer RSPs must not create the impression that this is the only option available to that consumer.</p>	<p>Agree</p>
<p>(f) When promoting a particular service to a consumer RSPs must not create the impression that the consumer will lose their telecommunications service unless they move to the promoted service.</p>	<p>Agree</p>
<p><b>OUTCOME 3: CONSUMERS ARE GIVEN CLEAR AND ACCURATE INFORMATION ABOUT THE TECHNICAL AND PERFORMANCE CHARACTERISTICS OF ALTERNATIVE TELECOMMUNICATIONS SERVICES.</b></p>	
<p>(a) RSPs should set appropriate expectations about what their alternative telecommunications services are likely to deliver for consumers.</p>	<p>Agree</p>

<p>(b) RSPs should ensure consumers are given upfront information about the factors known to affect the service performance of alternative telecommunications services.</p>	<p>Agree</p>
<p>(c) RSPs should avoid making “up to” speed claims or using maximum theoretical speeds in advertising.</p>	<p>Agree – see earlier discussion</p>
<p>(d) RSPs should use likely actual peak time download speeds when advertising alternative telecommunications services so that consumers understand what they can expect before making their purchasing decision.</p>	<p>Agree – see earlier discussion</p>
<p>(e) Likely actual speed indications should be objectively justifiable, and independently verifiable, such as by reference to the Measuring Broadband New Zealand programme.</p>	<p>Agree – see earlier discussion</p>
<p>(f) RSPs should allow consumers to move to a different service, or walk away from their service, without penalty, if the selected service does not meet expected requirements.</p>	<p>We agree with this in principle but will require time to implement fully as we will need to implement a process change.</p> <p>The principle should allow customers to exit for this reason only within the first 30 days, and only if the speed does not meet the speed they could have expected based on the information they received before signing up.</p> <p>In some cases the customer will be using a Spark modem which they will need to return</p>
<p>(g) Any comparisons that RSPs make to other telecommunications services should be made on a “like for like” basis and claims should be</p>	<p>Agree</p>

objectively justifiable and independently verifiable.	
(h) Conditions, qualifications and disclaimers in advertising should not alter the nature of the service the consumer is otherwise led to expect.	Agree
<b>OUTCOME 4: CONSUMERS ARE GIVEN INFORMATION ON HOW MOVING FROM COPPER TELECOMMUNICATIONS SERVICES TO ALTERNATIVE TELECOMMUNICATIONS SERVICES COULD IMPACT THE OPERATION OF THEIR HOME EQUIPMENT.</b>	
(a) RSPs should remind consumers that in the transition to an alternative telecommunications service:	
(i) They may not be able to make emergency calls in a power cut without a suitable back-up;	Agree – this is already covered by 111 Contact Code so is best addressed (or referenced) there to avoid duplication
ii) They may need to work with their medical or home alarm provider to ensure continuity of services; and	Agree – this is already covered by 111 Contact Code so is best addressed (or referenced) there to avoid duplication.
(ii) They may need to make changes to their jack points to keep a home phone in the same location in their house.	This is only relevant to customers taking voice services. We suggest this principle is made more generic so that the RSPs need to explain how a voice service will be provided using the new service, rather than focussing on existing jack points.  For example, we provide our wireless voice customers with DECT handsets which the customer can use anywhere in their house without the need to use their existing jack points.
(b) RSPs must comply in all other respects with their obligations under the 111 Contact Code	Agree – this is already covered by 111 Contact Code so is best addressed (or referenced) there to avoid duplication



including those vulnerable consumers are made aware of their rights under the 111 Contact Code.	
<b>OUTCOME 5: CONSUMERS ARE GIVEN CLEAR INFORMATION ABOUT THE COSTS OR FEES ASSOCIATED WITH MOVING FROM COPPER-BASED TELECOMMUNICATIONS SERVICES TO ALTERNATIVE TELECOMMUNICATIONS SERVICES.</b>	
(a) RSPs should clearly communicate any costs or fees, such as termination fees, equipment fees or changes in contract price at the point of sale to allow consumers to make informed decisions.	<p>There are a range of fees which can apply to a customer when they are moving from copper to another technology depending on their unique circumstances.</p> <p>A customer moving to fibre may have costs associated with the fibre installation which are not covered as standard. An example of this would be a customer wanting to underground an existing overground delivery, or requiring some bespoke work in their property as part of the installation.</p> <p>It would be impractical to list every cost or fee in marketing, so we suggest only the main charges and those which are mandatory charges need be included in the marketing information, with instructions on where to find more detail on other charges which could apply.</p>
<b>OUTCOME 6: Consumers understand their rights to their landline number.</b>	
(a) RSPs should remind consumers that they can “port” or take their number with them to a new service or another RSP.	<p>Agree. Information should be in consumer friendly language so we may not actually use the word ‘port’.</p> <p>Outcome 6 might fit better next to, or a subset of Outcome 2 Principle (a) as it relates to the customer being able to migrate their service to another retailers without losing their service.</p>
(b) RSPs should not create the impression that consumers will lose their number unless they stay with that RSP.	Agree
(c) RSPs should direct consumers to the Commission website’s number portability page, or to the Number Administration 7 Deed’s page on landline numbers, for more detailed information.	<p>Any page we direct customers to needs to be consumer friendly.</p> <p>We suggest the TCF develop a webpage in conjunction with ComCom which can include information required by the principles.</p>

**OUTCOME 7: CONSUMERS SHOULD KNOW WHERE TO GO TO RESOLVE ANY ISSUES ASSOCIATED WITH THE MARKETING OR PERFORMANCE OF ALTERNATIVE SERVICES AS THEY MOVE OFF COPPER.**

<p>(a) RSPs should endeavour to resolve any issues associated with the sales, marketing or performance of their alternative services promptly with consumers.</p>	<p>Agree</p>
<p>(b) RSPs should remind consumers that they have access to independent dispute resolution services, including the Telecommunications Dispute Resolution service, if they cannot reach a resolution with their RSP.</p>	<p>Agree</p>

[ends]