

27 September 2021

2021 Review of the Telecommunications Dispute Resolution Scheme

We found the TDRS Review to be comprehensive, and the review will be of great benefit to the consumer if the recommendations are implemented.

Our background

We are a non-commercial volunteer group of telecommunications, management & IT professionals that advocate for better rural connectivity.

While we live and work in rural NZ, we are not farmers. Instead we work alongside rural people, in many cases, family businesses in agriculture, aquaculture, horticulture, hospitality and tourism. We provide free technology support to many in our community to help ensure people get the best value from solutions and the many choices available.

Speed/Congestion issues

It is clear from the RSQ facebook survey [RSQ facebook survey](#) that broadband speed issues are a major source of customer dissatisfaction.

Currently, there is little agreement on performance expectations for broadband services. Most consumer services are sold without a CIR. While I was researching overseas codes, I found an interesting quote. “With energy and water, we pay for what we use rather than a quantity which is vague, usually unfulfilled, not measurable by the consumer and is actually no more than an exaggerated merchandising or promotional claim” This is also the case for some (a minority) of NZ broadband services.

There are a handful of guarantees such as EUBA's 32kb/s and RBI2's “90% or more of all Eligible End Users must receive Rural Broadband Retail Services at the Minimum Speeds or greater, measured across a rolling 12-month period”. However, these standards are low and are very difficult for the consumer to get enforced.

Some RSPs provide guidelines such as ADSL being suitable for “browsing and email”. If these guidelines were developed further, the TDRS would then be able to transparently resolve whether a consumer's connection was fit for purpose.

For example, consider a framework that maps performance to intended use:

- **Everyday use** such as browsing and email (download/upload speed >10/0.4Mbps, packet loss <5%, latency <0.5s)
- **Everyday use + Streaming single user**(download/upload speed >10/0.6Mbps, packet loss <5%, latency <0.5s)
- **Home Office use single user** (download/upload speed >10/3Mbps, packet loss <5%, latency <0.3s)

Etc etc

(NB the figures above are examples only)

Overseas Approaches on Broadband Speed

UK

In the UK the approach is to provide consumers accurate speed information before they purchase a service.

[Ofcom's Broadband Speeds Code of Practice:](#)

“When you buy a broadband service, you should receive some important information without having to ask for it. This includes accurate information on how fast your broadband will be.

You should get the estimated speed you are likely to experience at busy times of the day, when average speeds are often lower. These times are 8-10pm for home services, and 12-2pm for business services.

Your provider should always give you a minimum guaranteed speed for your broadband service. For superfast broadband products, this information is now based on the capability of the line going into your home or office, which means it will be even more accurate.”

US

In the US, the FCC describes 25Mbps or greater as being broadband.

Performance Tests

There are multiple speed test websites available and there are various options (eg single or multithreaded, TCP or QUIC). Perhaps a “reference” web site could be utilised to give a broadband connection a benchmark score.

Consider providing consumers with SamKnows devices when there is an unresolved dispute over network performance.

Impact of Broadband Congestion on Voice Services

Many RSPs now provide “landline” voice services using voice over broadband without effective QoS (eg VoIP over ADSL). Congested broadband is severely impacting the quality of landline calls for some consumers. We need to ensure that landline calls are in scope even if the issue is related to broadband congestion (18.1.21).

Remedies for congestion/speed issues

If the TDRS finds that congestion is the cause, what will the remedy be? In many cases the consumer doesn’t want financial compensation, but instead they require a service that is fit for purpose. This is particularly important during lockdowns.

Revisiting old cases

Under what circumstances will it be possible for consumers to resubmit their complaints after Complaints Code scope changes? (Some clarification would be useful in 18.1.16 of the Code.)

Regards

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