



Public Version

COPPER WITHDRAWAL CODE ISSUES PAPER

Cross-submission

Commerce Commission

6 March 2019

1. Spark welcomes the opportunity to provide comments on the submissions provided to the Commerce Commission on the 'minimum requirements' of the Copper Withdrawal Code (CWC).
2. We would like to make the following comments on Chorus' submission:

Copper Withdrawal Ops Manual

3. We support Chorus' suggestion that the CWC is supplemented by an operations manual as a practical solution to implement issues in the CWC. However, we would be concerned if the operations manual could be used as a way to subvert or avoid obligations which should be in the Code itself. We support the suggestion that the manual is developed and approved by the TCF.

Forecasting And Reasonable Notice

4. Chorus' submission highlights that there will likely be scale withdrawal of services and forced customers migrations. This will be considerably larger than any copper migration Chorus has done so far, and will be the first time where migration has been forced.
5. We cannot anticipate all the issues we are likely to see as part of this scale of migration, but, as an industry, we can mitigate concerns by properly planning resources in advance and making sure we have the right support in place for customers if things go wrong.
6. An acceptable migration for end users will require co-ordination across Chorus, RSPs, CPE and in-home service providers (alarm monitoring firms etc) and customers. Therefore, it is important that Chorus provides:
 - (a) A committed forecast of copper service withdrawal volumes and areas where this will occur;
 - (b) Detailed information relating to the end users that will be migrated. This should be provided to their existing RSP (who will need to ensure they have resources and processes to support the migration);
 - (c) Reasonable notice period for impacted customers (with an exception process for urgent migrations due to network failure etc) and
 - (d) A way to manage communications with stakeholders and customers, recognising that RSPs will want different levels of communication support from Chorus. RSPs should be able to request that Chorus does NOT communicate directly to their customers, except as a very last resort.
7. A characteristic of the UFB rollout was that areas of high migration resulted in missed appointments and consumer dissatisfaction for various reasons. The question of compensation is never far from the debate in these situations. We think that the question of compensation should be factored in to the Commission's considerations of what to include in the CWC to provide the right safeguards for customers and the right incentives on Chorus if it wishes to escalate the pace of copper withdrawal.

Reasonable Timeframe To Connect

8. The timeframe under consideration is the time it takes from the customer placing an order to their service being connected. As a point of principle, the timeline should give copper customers time to weigh up their options including moving to technologies other than fibre.
9. Chorus proposes that 'reasonable timeframe' includes customers who may be blocked from their actual installation due to circumstances beyond Chorus' control, such as a land access issue.
10. We agree that this is an issue which needs to be addressed in the CWC, but we do not accept that Chorus should nevertheless be able to remove copper from premises where it would leave the customer without a broadband and/or voice connection. This would remove the incentive on Chorus to find a solution to the problem of third-party consents and would leave customers vulnerable. We agree with Chorus that this should be considered at an industry workshop.

No Cost Installations

11. Chorus notes that the 'no-cost' requirement in the Act is limited to aerial installations only as specified in clause 5 of Schedule 2A refers to Section 155ZU of the Act. We believe the Commission has the discretion to specify, in addition to standard and non-standard connections, connection requirements for copper service withdrawal.
12. Industry has spent considerable time in the UFB Product Forum negotiating a good outcome for customers to ensure they have a quality installation experience. Part of this is being clear about what constitutes a standard installation and the options available to customers in these areas. The outcomes of these discussions are set out in the Chorus Ops Manual, Part 5 – Standard Bitstream Service Install and Termination Points.
13. This should be the baseline for 'no cost to end user installations' for both standard and non-standard installations. We encourage the Commission to use the discretion afforded it under the Act to at least maintain the current basis for no-charge installations¹.
14. We therefore encourage the Commission to review the current installation practises as outlined in the Chorus Operations Manual and use these as the baseline for the 'no cost' installations.
15. It is also worth noting that no cost installations should apply to all customers whether they take broadband services only, voice services only or voice and broadband services on their fibre connection.

¹ Schedule 2A Copper withdrawal code clause 1(3)(h) and clause 1(4).