

The Commerce Commission
Telecommunications Commissioner August 26-2021

Mr Gilbertson

Commerce Commission Submission re copper withdrawal and other considerations.

This submission relates broadly to the focus on the matters to which submissions are sought, but also to the matter generally of the withdrawal of copper from the network *per se*.

The Function of the Commerce Commission:

Firstly it must be asked what is the assigned function of the Commerce Commission, compared with the actual function as illustrated by its recent actions.

To quote the Commerce Commission's proclamation as to its function:

“The Commerce Commission is New Zealand's competition, consumer and regulatory agency. We are responsible for enforcing laws relating to **competition**, fair trading, and consumer credit contracts, and have regulatory responsibilities in the electricity lines, gas pipelines, telecommunications, dairy and airport sectors”

An excerpt from an article under an undated TUANZ heading a letter apparently authored by Amy Adams? states:

“The review usurps the [Commerce Commission's role as regulator](#) and gives the job to the minister on the basis that the minister wants the fibre uptake to be successful”

“Don't forget, the [Telecommunications Act](#) explicitly allows Chorus to buy up the three smaller LFCs without triggering the Commerce Commission's anti-monopoly alarm. The Commission is barred from investigating any such purchase on the grounds of lessening competition by law. *Telecommunications Act “ [P89 – xx]

The status of Chorus as controlling the communication lines network in NZ cannot be seen as anything other than a monopoly.

Further, to allow it to acquire control of ISPs to any extent breeds the genesis, but of course on an infinitesimally lesser scale, of an institution such as the Bell Telephone Company in the US until [its dismantling](#) by the [United States Department of Justice](#) in 1984, at which time the Bell System ceased to exist.[1]

The Emphasis on Bandwidth:

In the past when the telephone companies provided internet services as an adjunct to the basic telephone service, the land-line telephone service was a given, but now that the telcos have become ISPs the land-line telephone is seemingly no longer a priority. The only criterion of performance of any installation is bandwidth- Mega bits per second. Fibre speed at the expense of utility. The characteristics - capabilities of fibre are not at all comparable with copper **as copper provides the necessary operating power to the house**. In the event of a power failure, three of which have been experienced in the last month, the land-line copper phone has proved to be an invaluable lifeline.

The ultimate speeds which fibre can potentially deliver can certainly be justified when part of an automated stock or currency trading system or in military C3I.

In private hands however, its fault tolerance and complexity is quite unnecessary.

To quote Mr Gilbertson who somewhat disingenuously added that:

“the key thing that all New Zealanders need to know about copper withdrawal is that copper will not be withdrawn from their area until fibre is in place. If fiber is their preferred technology, then it will be available to them and they will not be forced to use a different technology.”

It would be less prejudicial and fairer to say that **copper** would not be withdrawn if that was the 'customers preferred technology'.

Imprudent Discarding of Copper:

Copper provides the necessary phone operating power to the house and fiber does not.

World conditions have changed radically since Steven Joyce started his agitation for UFB back in 2010 On the grounds of improving communications for the benefit of business. Now 2021 sees the world as a very politically unstable and unpredictable place, accompanied by unprecedented geological instability fires floods volcanoes, insurgency and state terrorism.

From a standpoint of security including state security & reliability in circumstances of *force majeure* - it must be seen as at the least imprudent and at the worst, irresponsibly dangerous to embark upon a change of this order by the discarding of tried and true communications using copper over centuries for a technology, very much dependent on solid state ancillary electronic equipment for its operation which is highly susceptible to EMP and other unpredictable phenomena, or for wireless (radio) in the case of attack or accident, propagation attenuation such as ionization of the field path.

Nuclear hardness for telecommunication:

In [telecommunication](#), the term *nuclear hardness* has the following meanings: 1) an expression of the extent to which the performance of a [system](#), facility, or device is expected to degrade in a given nuclear environment, 2) the physical attributes of a system or [electronic component](#) that will allow survival in an environment that includes [nuclear radiation](#) and electromagnetic pulse. (EMP).

Spark's pro-fiber notes has issued advice for battery backup in the event of power failure but warns, that;

“some cordless phones or other devices may not connect even if they have a battery”. **This may allude to atmospheric conditions which may prevail at the time at which power fails and which would inhibit radio communications. These already occur during times of bad weather fog & mist.**

Cell towers which generally have some battery backup in event of power failure would survive only for a matter of hours.

Fibre not without hazard:

There has never been any publicity of the inherent dangers of fiber and its associated operational risks.

As well as its operational shortcomings mentioned, as a health & safety issue, the installation of glass fiber cable and its microscopic fibers liberated during installation or breakage must be taken into account.

These can be inhaled potentially causing pulmonary damage, and or eye damage, and be absorbed into the skin.

Operationally, troubleshooting network problems may result in exposure of the eye to invisible infra-red radiation which due to its intensity is liable to cause immediate and severe retinal damage.

Spark's Unhelpful Help Line:

From the time of issuance of discontinuation of copper service in the form of an ultimatum, all enquiries to Spark for help and advice have been met with incompetent service and with a degree of hostility and misleading & nonsensical information. Somewhat intimidatory.

In the main all have treated the mention of the word 'copper' as if it were an obscenity and not included or associated in any way with the new installation of fibre.

It was a matter of fibre or nothing.

In the Event of Emergency:

Broken communications caused by broken copper conductors can be restored simply by twisting them together to re-establish an electrical circuit.

Glass fiber and its optical signal does not lend to this kind of repair to re-establish an electrical communications path without extensive and complex electronic ancillary equipment which also needs electric power to enable it.

This electronic equipment also is likely to be in need of repair or replacement .

A Very Brief Summary:

Recent developments in this country appear to indicate that there is an agenda intent on the destruction of the infrastructure of this nation, of which the copper network is an essential part, further evidenced by the impending - mooted redundancy of the Marsden Point Oil Refinery. New Zealand's resiliency is degrading by the moment- Covid now and unknowns yet to come.

No other nation can be presumed to act in the interests of this country - its independency must be preserved

It is time for discretion & wisdom to prevail.

For your consideration..

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