

Improving Retail Service Quality

Response to submissions on our Increasing consumer awareness of TDRS
non-membership open letter

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Associated documents

Publication date	Reference	Title
11 November 2021	978-1-869459-47-5	2021 Review of the Telecommunications Dispute Resolution Scheme – Report to the TCF on recommendations for improvement to the TDRS
11 November 2021	n/a	Review of the TDRS – Expert report
18 July 2022	n/a	Open letter - Increasing Consumer Awareness of TDRS Non-Membership
23 August 2022	n/a	Submissions on TDRS non-membership open letter published

Glossary

Term	Definition
Act	Telecommunications Act 2001
Commission	Commerce Commission
ISP	Internet Service Provider
ISPANZ	Internet Service Providers Association of New Zealand
LFC	Local Fibre Company
MBIE	Ministry of Business, Innovation and Employment
Open letter	Increasing consumer awareness of TDRS non-membership - Open Letter
RSQ	Retail service quality
RSP	Retail service provider
TCF	New Zealand Telecommunications Forum Inc.
TDL	Telecommunications Development Levy
TDRS	Telecommunications Dispute Resolution Scheme
UDL	Utilities Disputes Limited
WISPANZ	Wireless Internet Service Providers Association of New Zealand

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Introduction

Purpose

1. This document outlines our response to submissions and feedback on our Increasing consumer awareness of TDRS non-membership - Open Letter published on 18 July 2022 (Open letter).¹
2. We received seven submissions on the Open letter from:²
 - 2.1 Contact Energy
 - 2.2 Consumer NZ
 - 2.3 Internet Service Providers Association New Zealand (ISPANZ)
 - 2.4 New Zealand Telecommunications Forum Inc. (TCF)
 - 2.5 Tech Users Association of New Zealand (TUANZ)
 - 2.6 Vodafone
 - 2.7 Wireless Internet Service Providers Association of New Zealand (WISPANZ)
3. A summary of the submissions and the Commission's responses are included in the table at the end of this document.
4. This document should be read in conjunction with the Increasing consumer awareness of TDRS non-membership – Response to submissions and next steps - Open Letter that has been published alongside this document which outlines the next steps that will be taken to improve transparency around dispute resolution processes for consumers across the telecommunications industry in New Zealand.³

Background

5. In 2021, the Commission carried out its first required review of the TDRS.⁴ This included 24 recommendations aimed at improving a number of aspects of the TDRS. The recommendations focussed on:⁵

¹ Increasing consumer awareness of TDRS non-membership open letter available at: https://comcom.govt.nz/_data/assets/pdf_file/0036/287892/Increasing-consumer-awareness-of-TDRS-non-membership-Open-Letter-18-July-2022.pdf

² Copies of the submissions are available at: <https://comcom.govt.nz/regulated-industries/telecommunications/projects/retail-service-quality?target=timeline>

³ Increasing Consumer Awareness of TDRS non-membership response to submissions and next steps – Open letter is available at <https://comcom.govt.nz/regulated-industries/telecommunications/projects/retail-service-quality?target=timeline>

⁴ Telecommunications Act 2001, s 246 requires that the scheme is reviewed every 3 years.

⁵ Commerce Commission “2021 Review of the Telecommunications Dispute Resolution Scheme” (11 November 2021).

- 5.1 Reviewing the Customer Complaints Code;
 - 5.2 Awareness of the TDRS;
 - 5.3 Position statements and case studies;
 - 5.4 Systematic issues;
 - 5.5 Complaints handling process;
 - 5.6 Governance; and
 - 5.7 Jurisdiction.
6. The recommendations are being worked through by the New Zealand Telecommunications Forum Inc. (TCF), FairWay and the TDRS Council. The Commission is monitoring progress on the implementation of these recommendations. We welcome the good progress being made including, at the time of our most recent review, the implementation of most customer-facing recommendations, with the focus now shifting to governance-related improvements.
7. We reaffirm our recognition in the TDRS review that there are significant benefits to widening the membership of the scheme.⁶ We also reaffirm our view that all consumers should have the right to access TDRS as the independent and free industry dispute resolution scheme established under the scheme of the Telecommunications Act 2001. All consumers should have this right irrespective of any changes being made to the scheme at any particular point in time. There has never been any good reason for providers not to join TDRS and there is nothing that should stop providers from joining now.
8. We therefore encourage all remaining non-members to engage with the TCF and join TDRS. Doing so will ensure that their customers have the same right of recourse to the independent and free industry scheme as all other telecommunications consumers in New Zealand.⁷ In particular, we encourage any non-members with concerns about any aspect of the scheme, such as the fee structure, to engage with the review process currently underway through the TCF in order to shape outcomes in a way that works for all providers as far as possible.
9. We appreciate the time taken by stakeholders to submit responses to our Open letter and encourage increased engagement going forward as we look to improve transparency around dispute resolution processes for consumers in the telecommunications market in New Zealand.

⁶ Commerce Commission “2021 Review of the Telecommunications Dispute Resolution Scheme” (11 November 2021). para 193

⁷ Commerce Commission “2021 Review of the Telecommunications Dispute Resolution Scheme” (11 November 2021). para 193.

Table 1: Summary of questions asked

#	Question
1	Do you agree it is necessary to take steps to increase consumer awareness and understanding in this area?
2	Which of the three options outlined above do you prefer and why?
3	Are there any other options not considered in this letter?
4	Should there be an exemption for smaller providers from any disclosure requirements? If so, on what basis, and what threshold should apply?
5	What period of time should be allowed for non-members to join TDRS under Option 1?
6	Do you agree that a Commission Code would be the most effective way of implementing disclosure obligations under Option 2?

Table 2: Submissions and Commission Response

10. This section provides a summary of the feedback we received on the Open letter and provides our response to submissions.

Question 1: Do you agree it is necessary to take steps to increase consumer awareness and understanding in this area?

Row	Submitter	Key points raised in submissions	Response
1	Contact Energy	“Providing accurate information to customers is critical to ensure competitive markets flourish. Detailed information about dispute resolution processes is just one part of what makes good customer service. We are concerned that in isolation this information may provide customers with a distorted picture of the service provided by Contact Energy.”	We note the comment. TDRS is the industry dispute resolution scheme established by the New Zealand Telecommunications Forum Inc. (TCF) under the scheme of the Telecommunications Act 2001 (the Act) for dealing with telecommunications disputes. Consumers are entitled to know about TDRS and the service it provides for them.
2	WISPA NZ	“We agree that it is necessary to continue to grow consumer awareness of the scheme, but the campaign should not be directed with the potential for negative outcomes for non-members who have very high customer satisfaction with their services.”	We agree that there is a need to increase membership awareness in the most balanced way possible in the circumstances. We have decided to publish a list of <i>both</i> members <i>and</i> non-members to help increase consumer awareness of the existence of TDRS and whether their provider is a member of TDRS. We have also decided to require both members and non-members to disclose to their customers what dispute resolution process applies in the event of any dispute. For members, this will be facilitated resolution through TDRS, while for non-members, this will be the need to go to the Disputes Tribunal or the District Court. Consumers should have information about their rights in a dispute regardless of any provider’s own views on how well it is satisfying its customers. The ongoing high levels of complaints in the sector tend to suggest there can be a disconnect between a provider’s own views and customer experience in this regard. TDRS provides an independent and objective mechanism for monitoring, tracking, and reporting on customer complaint levels as a measure of overall customer satisfaction.
3	Vodafone	“Vodafone agrees that it is necessary to take steps to increase consumer awareness of TDRS membership and what it means for them if their provider is not a member of a disputes scheme.”	We note the comment.
4	Consumer NZ	“Yes, we agree it is necessary to take steps to improve consumer awareness and understanding in this area.” “Consumers regularly contact our advisers about problems with their telecommunication providers but do not know what to do about these problems, or about the existence of the TDRS.” “Increasing consumer awareness and understanding is an important part of improving the TDRS.”	We agree. We have decided to publish a list of both members and non-members to help increase consumer awareness of TDRS and whether their provider is a member of TDRS. Refer to response at row 2.
5	ISPANZ	“No, there is no need. If there is a need, then your three proposed options are not the way to do it.”	We note the comment. The TDRS is the industry dispute resolution scheme established by the TCF under the scheme of the Act for dealing with telecommunications disputes. We believe all consumers should be aware of and have access to this service. In the absence of this, all consumers should, at the very least, have information about how any dispute with their provider will be resolved. See also the response at row 2.
6	TCF	“Improving consumer awareness is important.” “Since 2021, TDRS has embarked on a significant marketing campaign including TV, radio and social media. This has resulted in a substantial increase in consumer engagement, generating a lift in website traffic and enquiries made to the service.” “The TCF recommends a combined approach, working with the TDRS and the Commerce Commission, to setting longer-term goals to improve both consumer awareness of the TDRS and TDRS membership.”	We agree.

7	TUANZ	<p>“We continue to believe there should be a requirement for all providers of telecommunications services in New Zealand to end users to be part of an approved disputes service such as the TDRS.”</p> <p>“...we support any steps taken to improve consumer protections. In line with our position and with our experience of consumer queries that we receive, we agree that it is necessary to increase awareness and understanding.”</p>	We agree.
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Question 2: Which of the three options outlined above do you prefer and why?

Row	Submitter	Key points raised in submissions	Response
8	Contact Energy	<p>“All Contact customers have access to independent dispute resolution services provided by Utilities Disputes Limited (UDL) via the Energy Complaints Scheme. We prominently display the UDL services on the front page of our bills and on our website so that all our customers are aware of the services provided.”</p> <p>“Because most complaints relate to customer service matters such as billing which apply equally to broadband and power, our broadband customers are already provided with dispute resolution through our relationship with UDL. A single source of escalation is the best outcome for our customers to keep things simple and avoid adding unnecessary complication.”</p>	<p>We note the comment and refer Contact Energy to our final report on TDRS which examined jurisdictional issues in more detail.</p> <p>UDL does not have jurisdiction over telecommunications issues (with the narrow and limited exception of property access disputes for fibre installation). The TDRS is the industry dispute resolution scheme established by the TCF under the scheme of the Act for facilitating the resolution of telecommunications related disputes. We note that there are well established protocols in place between UDL and TDRS for ensuring that matters falling under TDRS jurisdiction are referred to and dealt with by TDRS.</p>
9	WISPANZ	<p>“No option is preferred over another; however, we believe option 2 would be the most palatable. This is because it would allow non-members to provide context around the decision not to join the TDRS if they wished.”</p> <p>“Our concern with all the options outlined, if put in place as listed, is that they will effectively denigrate the non-member in the view of current and prospective customers. The Commission would need to ensure that all possible context is given when publishing anything of this nature so that consumers of the information assign it the correct weight when making their decision on accepting service from a provider.”</p> <p>Option 1: “WISPANZ considers there is little reason for the Commission to list scheme non-members on any public facing forum such as a website.”</p> <p>Option 2: “We believe that there is no compelling reason to send annual reminder emails to advise customers that the ISP is not a TDRS member. We believe it is reasonable to advise customers of TDRS status before entering a contract for provision of service”</p>	<p>See response above at row 5.</p> <p>We agree that annual reminders do not need to be included in the pathway forward. We have revised our approach accordingly.</p>
10	Vodafone	<p>“We support ‘Option 3: Combined Pathway’ for encouraging non-members to join the TDRS.”</p> <p>“This form of ‘transparency remedy’ is the lowest cost measure and is capable of being applied to all providers irrespective of size and sophistication.”</p> <p>“The TDRS should have the ability to refer to the Commission’s information on non-members on its website to help raise awareness among consumers.”</p> <p>“We support the Commission reserving the right to take the further step of requiring non-members to provide Disclosure Notices to their customers and prospective customers as a way to encourage membership if initial steps don’t have the desired impact.”</p> <p>“However, we consider that the Commission should allow at least 12 months from when the reconstituted TDRS is launched in early next year before taking any further step.”</p>	<p>We agree.</p> <p>However, it is important that consumers can access this service at any time, irrespective of any improvements being made to the scheme at any point in time.</p>

11	Consumer NZ	<p>“We support “option 2: non-member disclosure” where telecommunications providers who do not join TDRS must provide disclosure notices to their customers and prospective customers.”</p> <p>“...it places the onus on the telecommunications provider to actively provide information to customers. Our view is that Option 2 would be most effective at increasing consumer awareness and understanding of the TDRS.”</p> <p>“Additionally, option 1 does not provide a realistic resolution to increasing consumer awareness and understanding of the TDRS. In our view, it is unlikely that many consumers will know about the existence of the list of providers who do not belong to the TDRS.”</p>	<p>We note the comment.</p> <p>By taking Option 3, we will be giving non-members the opportunity to do the right thing and join of their own accord, regardless of their size.</p>
12	ISPANZ	<p>“Highlighting non-membership in TDRS does not tackle the real problem. Rather than solving a problem, any of your three options would result in the Commerce Commission acting in an anti-competitive manner and this would reduce competition and the variety and quality of service offerings available to consumers.”</p> <p>“Publishing a list of service providers who are not TDRS members would rely on you being able to identify all ISPs. Given that current regulation does not require service providers to be gazetted as Network Operators, we are unsure how you could produce a comprehensive and complete list.”</p> <p>“Consumers who purchase their services from non-TDRS members are not cut off from a disputes resolution process. The Disputes Tribunal hears complaints made by consumers, including by ISPs’ customers.”</p> <p>“The TDRS’ current fee structure is weighted heavily in favour of larger companies. This is clearly inequitable and illustrates why smaller ISPs are not motivated to join TDRS – especially as a perfectly workable alternative to protect their customers’ rights already exists. TDRS membership should be free and be funded on a user-pays basis, with fees payable per complaint on a sliding scale reflecting the complexity of the dispute. These fees should be equal to, or less than, those charged by the Disputes Tribunal. This would contribute to better outcomes for consumers.”</p>	<p>We note the comment.</p> <p>International best practice in this area is mandatory membership. Option 3 is in line with this approach.</p> <p>ISPANZ is correct that the customers of non-members can go to the Disputes Tribunal or the District Court in the event of a dispute. However, as noted in our TDRS review, experience with sector-specific dispute resolution schemes is that they are easier to access and result in faster and more effective outcomes for consumers. Therefore, while the Disputes Tribunal remains an option for consumers to hold their provider accountable, the benefit of TDRS is that it provides a ‘one stop shop’ for consumers no matter what issue they may have with their telecommunications provider.</p> <p>We will publish and update any list using the best information available to us at any particular time. After the publication of any lists, the Commission will, if necessary, look to exercise its code making powers to impose disclosure requirements. Any such obligations will be binding and enforceable against all telecommunications service providers even if they may not have been captured in any published list.</p> <p>We consider that the best outcome for consumers is for their provider to disclose what rights they have in the event of a dispute, which in the case of members will be facilitated resolution through TDRS and, for non-members, will be the need to go to the Disputes Tribunal or the District Court.</p> <p>We do not accept that the membership fee at the lowest tier of membership is a significant barrier to an important industry scheme. However, we do consider that smaller providers should be given more time to become members and prepare for potential disclosure requirements and have revised our approach accordingly. We encourage providers who are concerned by the current fee structure to engage in discussions currently underway, through the TCF, to shape an outcome that works for all sizes of providers.</p>
13	TCF	<p>“The TCF considers a modified version of ‘Option 3: Combined Pathway’ in the Open Letter will best achieve the Objective...”</p> <p>“Allowing a period of time to join the TDRS is reasonable to enable a provider to seek information from the TDRS on the obligations it will need to meet as a member, be educated on the dispute process and work through any changes required to their business processes before signing up to the scheme.”</p> <p>“Publishing a list of TDRS members as a positive promotion of membership would balance the risk of just publishing a list of non-TDRS members and having these providers gain extra consumer awareness of their brands which could be counter-productive.”</p>	<p>We agree.</p> <p>We have modified our pathway forward to include members in any list published.</p>
14	TUANZ	<p>“We prefer the combined pathway - option 3. We believe that Option 1, while a good first step, still means that many consumers will remain unaware of the status of their provider's membership of the TDRS. Option 2 will ensure that consumers are aware of the provider's position before signing up to take services. Option 3 means that both are in place and consumers can check on the Commission’s website prior to engaging with a provider, as well as provide an independent check on providers.”</p>	<p>We agree.</p>

Question 3: Are there any other options not considered in this letter?

Row	Submitter	Key points raised in submissions	Response
15	Contact Energy	“We therefore propose that rather than informing consumers about TDRS membership as a separate piece of information, that this is captured as part of the broader customer service transparency work that the Commission is currently developing. This will provide a more accurate picture of the experience customers can expect from different providers.”	Refer to response at row 1.
16	WISPA NZ	“We recommend that the TCF, TDRS and the Commission itself urgently review their outreach to non-members and take appropriate action to engage with these companies and representative organisations such as WISPANZ... before deciding on a course of action and setting a timeline.”	We note the comment We encourage ongoing engagement between all parties to ensure the best outcomes for consumers.
17	Vodafone	“...the TDRS also has an important role to play in attracting new members. A recent submission by ISPANZ on the TDRS review highlighted that most of their members do not see value in TDRS membership. There is clearly work to be done to improve the effectiveness of the scheme as a way to increase scheme membership.” “Vodafone is taking part in the TCF’s programme of work to implement the Commission’s recommendations in regards to the future governance regime of the TDRS. As part of the process, we are proposing that principles such as monitoring of the effectiveness of the TDRS to ensure it provides value to both consumers and members, recognising the importance of reasonable fees in attracting new members and ensuring that determinations made by the TDRS are perceived as balanced, informed and high quality are reflected in the new governance regime.”	We agree.
18	Consumer NZ	No response.	
19	ISPANZ	“Instead of publishing a list of non-members, ISPANZ would support publishing a league table of <u>all</u> service providers showing complaints per thousand customers per year (or some similar and fair measure). That would name and shame those service providers who are <u>not</u> delivering quality service, rather than those that are. It would provide them with an incentive to improve.” “Rather than requiring service providers to keep telling their customers that they are not TDRS members, ISPANZ would support a regime which required all service providers to regularly draw their customers’ attention to the league table showing every ISP’s complaints received per thousand customers. That would give consumers much more useful information.”	We note the comment. The Commission is developing a customer service dashboard for mobile and broadband which will provide consumers with key metrics relating to the customer service provided by RSPs in those markets. That project is being run independently of this TDRS related process. We see these as complementary initiatives – one does not exclude the need for the other.
20	TCF	“The Commerce Commission should also publish a list of TDRS members on its website as a positive promotion of TDRS membership. This will allow consumers to clearly see which providers are and are not TDRS members and helps to balance the risk that if the Commerce Commission only published the non-member list it will create brand awareness for these providers.” “The TCF considers reasonable scheme membership fees an important driver to membership. The TDRS may consider a review of its annual scheme membership fees in the short-to medium term to provide for a more viable incentive to membership if this is identified as a barrier. Another important factor in driving membership is ensuring that the TDRS is effective, that providers gain value from their membership and that determinations made by the TDRS are perceived as balanced, informed and high quality.”	We agree We have modified our pathway forward to include members in any published list.
21	TUANZ	“The only other option that we would like to see in line with these moves is a requirement for the TCF to list on their website members of the TDRS even if they are not TCF members. They should also be required to include information on their website about the Commission Disclosure (Option 1).”	We note the comment.

Question 4: Should there be an exemption for smaller providers from any disclosure requirements? If so, on what basis, and what threshold should apply?

Row	Submitter	Key points raised in submissions	Response
22	Contact Energy	"We also recommend that disclosure of TDRS membership is extended to telecommunications network providers as well as retailers. Complaints related to network services are not directly captured by any dispute resolution service, which creates a gap in the protection offered to consumers."	<p>We note the comment.</p> <p>We acknowledge there is a gap in the legislation that allows telecommunications network providers to be bound by the same scheme. We encourage full membership or LFCs otherwise agreeing an appropriate solution in the absence of full membership.</p>
23	WISPA NZ	"A threshold of 20,000 end users seems appropriate in terms of organisational scale whereby organisations may begin to find it difficult to address individual customers concerns appropriately and where the overheads involved with compliance would be able to be absorbed."	<p>All consumers should have access to TDRS.</p> <p>We recognise and accept that smaller providers may need more time to make this happen and so have allowed for a phased approach. The threshold we have decided to use in this phased approach is TDL revenue as this is well understood in the industry and those providers who meet this threshold will be able to meet these costs in a shorter period.</p>
24	Vodafone	"We support these measures being applied to all telecommunications providers, with no exceptions for smaller providers, given that a disclosure requirement is not onerous. Our view is that it is entirely appropriate for any operator irrespective of size to be required to choose between joining the TDRS or, otherwise, disclosing that they are not members."	We note the comment.
25	Consumer NZ	"No, we do not consider the requirements set out in any of the options are overly onerous. We consider that all options can be implemented quickly, at low-cost, and effectively."	We note the comment.
26	ISPANZ	"Rather than providing exemptions, it is recommended that the approach proposed in your letter be replaced with an alternative system that would deliver fair outcomes for all ISPs as well as producing well informed and protected consumers."	We note the comment and have adapted our approach as set out in 27 below.
27	TCF	"The TCF does not recommend that disclosure exemptions are put in place for smaller providers. Disclosure requirements are not onerous and should therefore be applied to all providers given there are a reasonable number of smaller providers servicing a wide range of consumers who should have the equal right to access a dispute scheme when their complaint is not resolved. Requiring a provider, irrespective of size, to choose between joining the TDRS or disclosing that they are not a member is entirely appropriate."	<p>We agree.</p> <p>We recognise and accept that smaller providers may need more time to make this happen and so have allowed for a phased approach.</p>
28	TUANZ	"We do not believe that there should be any exceptions to these requirements. Given the wide use of electronic communications and websites, it should be a simple change to meet these requirements."	Refer to response at row 27.

Question 5: What period of time should be allowed for non-members to join TDRS under Option 1?

Row	Submitter	Key points raised in submissions	Response
29	Contact Energy	<p>“Finally, we note that the TDRS is currently undergoing significant changes. In November 2021 the Commission finalised the review of the TDRS, which recommended a number of changes, including governance, awareness, complaints handling and jurisdiction.”</p> <p>“Any telecommunications provider that joins the scheme now risks significant sunk costs to implement the scheme as it currently stands, only to see these costs become redundant shortly thereafter, and a new set of requirements and costs imposed. It would be more financially prudent for any non-member to wait until the changes to the TDRS are implemented before considering joining.”</p> <p>“We therefore recommend that any disclosure requirements regarding TDRS membership are not implemented until the end of 2023 to allow the changes to the scheme to be implemented.”</p>	Refer to response at row 10.
30	WISPA NZ	<p>“We consider the 60 day period suggested takes no account of the work required to embed a new process into any company’s systems. Regardless of company size, introducing something like the TDRS represents a significant overhead to any business, particularly if a short, arbitrarily decided timeline must be met with no prior outreach work by the governing body.”</p>	Refer to response at row 23.
31	Vodafone	<p>“We agree that a period of time should be provided for current non-members to join the TDRS before the list of non-members is published by the Commission. We consider 120 days to be adequate.”</p> <p>“Three to six months is usually the period of time provided to industry to sign up to new TCF industry Codes. What’s key is that non-members have a reasonable period of time to evaluate the requirements and benefits of scheme membership, and to make arrangements to become members of the TDRS.”</p> <p>“This period should run from when the TDRS is reconstituted (expected to be completed in early next year), as it is hard to incentivise membership of a scheme while it is undergoing considerable change.”</p>	Refer to response at rows 10 and 23.
32	Consumer NZ	<p>“...if this option is chosen, we do not consider any period of time is necessary to allow non-members to join the TDRS. However, it would be useful to advise any organisations on this list that their details will be included. This may incentivise them to join the TDRS.”</p>	We note the comment.
33	ISPANZ	<p>“Option 1 should not be adopted, therefore this question is moot.”</p>	We note the comment.
34	TCF	<p>“It will be important the Commerce Commission provides a reasonable timeframe for any prospective TDRS members to transition to TDRS membership and the obligations this entails. The TCF recommends the Commerce Commission consult with TDRS on the appropriate period of time to ensure the onboarding process aligns with any proposed timeframe. Individual provider submissions should also guide the Commerce Commission on the most appropriate timeframe.”</p>	<p>We note the comment.</p> <p>We encourage ongoing engagement between all parties to ensure the best outcomes for consumers.</p>
35	TUANZ	<p>“We are comfortable with the period being either 60 or 90 days.”</p>	We note the comment.

Question 6: Do you agree that a Commission Code would be the most effective way of implementing disclosure obligations under Option 2?

Row	Submitter	Key points raised in submissions	Response
36	Contact Energy	No response.	
37	WISPA NZ	No response.	
38	Vodafone	"If a move to requiring Disclosure Notices is needed, we agree that a Commission Code would be the most effective way to implement this."	We agree. If a Commission Code is deemed necessary, we will follow our normal consultation process, prior to any implementation.
39	Consumer NZ	"Yes, we agree a Commission Code would be the most effective way of implementing disclosure obligations under option 2."	We note the comment.
40	ISPANZ	"Option 2 should not be adopted, therefore this question is moot."	We note the comment.
41	TCF	"...if option 1 is unsuccessful in achieving any material increase in TDRS membership or any corresponding reduction in the number of consumers locked out of the TDRS, we would like to be engaged on the specific implementation mechanism for Option 2."	We note the comment If a Commission Code is deemed necessary, we will follow our normal consultation process, prior to any implementation.
42	TUANZ	"We do not have a particular view on this question."	