



WISPA New Zealand

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# Submission on Review of the Telecommunications Dispute Resolution Scheme.

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## 1. Introduction

- a. WISPANZ is an industry group launched in 2017 to represent the interests of commercial Wireless Internet Service Providers (WISPs). Our membership currently includes 34 WISPs. WISPA-NZ is an associate member of the Telecommunication Forum (TCF)
- b. Members collectively service an estimated 70,000 end users, predominantly in hard-to-serve rural areas. Our service quality and affordability are comparable with mid-city fibre.
- c. About half our customers are on DMR networks owned by the WISP, and the remainder served by reselling other wholesale or retail providers' networks.
- d. WISPs are locally-owned and operated businesses. The owners and staff of our member companies usually, but not always, reside within the communities they serve. Interactions between the owner/operators of our member companies and their customers are often more personalised than experienced elsewhere in the industry. This is unique to our segment of the telecommunications industry in Aotearoa New Zealand and is seen by our members as a strength of our companies.
- e. Conflict resolution between ISP and consumer can often present our members with challenges because of the possibility of a personal relationship between the parties. The shortness of the distance between a WISP's management and its customers is also responsible for the WISP reputation as quick moving, customer and solution focused problem solvers.
- f. A disputes process that is easy for our members to sign up to, participate in, assume the values of, and use when required is increasingly being seen as a necessary part of industry membership.
- g. WISPANZ has worked to raise the profile of the TDR with its members, including hosting TDR agent staff members as speakers at conferences. The 111 Contact code brought the TDR back into WISPA members view with referral to the TDR an integral part of that code's disputes process.

## **2. WISPANZ's submission on the draft recommendations.**

### **a. Table 1, Review the Customer Complaints Code, Scheme ToR and Scheme Agent Agreement.**

- i. WISPANZ agrees with the draft recommendations in DR1-3
- ii. We submit that the "When" phase across these and the other recommendations be subject to negotiation between all parties. Given the size of the tasks in DR1-3 we believe the work on those recommendations needs to begin as soon as possible and that a completion date of Aug 2022 is optimistic.
- iii. DR3 represents a significant change to the scope of the TDR and it is our submission that a deadline of 24 December 2021 is too onerous for any provider of any size to meet. We believe any change to Clause 18 needs sufficient time to ensure full compliance and a later date for implementation will ensure this.

The 111 Contact code provides the lesson- elements of the code were introduced ahead of the ability of the industry to fully comply with them. Without a robust standards framework agreed to by all stakeholders, clauses 18.1.6 and 18.1.21 will prove extremely problematic for the scheme agents to adjudicate.

We believe there is no possibility of any agreement on this being reached before the proposed introduction date. The timing for Phase 3 of the implementation may also prove to be optimistic.

### **b. Table 2 – Awareness**

- i. WISPANZ agrees with the draft recommendations in DR4-7 with the following caveat for DR5.
  - 1. A deadline of 1 April 2022 will be difficult and expensive for our members to achieve given the potential need to modify print and electronic resources to achieve the recommendation.
  - 2. We propose that a longer transition period be allowed in the final recommendations.

### **c. Table 3 – Position statements and case studies**

- i. WISPANZ agrees with the draft recommendations in DR8-10

- ii. We believe these recommendations will be particularly important to our members, particularly those who are not existing scheme members. Case studies and publication of anonymised determinations will be useful in marketing of the scheme to non-members by providing insight into the types of complaints referred for resolution and the decisions then reached.

**d. Table 4 – Systemic issues.**

- i. WISPANZ agrees with the draft recommendations in DR11-12.

**e. Table 5 – Complaints handling process.**

- i. WISPANZ agrees with the draft recommendations in DR13-19
- ii. We support the recommendations that seek to improve the consumer complaint processes where a Wholesale Scheme member is involved.

**f. Table 6 – Governance**

- i. WISPANZ agrees with the draft recommendations in DR20-22.
- ii. As a group of mainly small businesses, WISPANZ was formed to ensure a voice in industry forums and organisations such as the TDR scheme. Our belief is that the TDR scheme will be well served with either of the representation options outlined in DR21 with no preference for either.
- iii. It is our submission that staggered elections with term limits for members would be appropriate for the scheme.

**g. Table 7 Jurisdiction.**

- i. WISPANZ agrees with the draft recommendations in DR23-24.
- ii. WISPANZ can facilitate meetings between TDR governance, the scheme agent, and our members to encourage them to join the scheme. Regular face to face reporting to our members on the work done by the scheme and the benefit to all parties is likely to drive uptake of membership.

- iii. As the representative of a number of small internet service providers, WISPANZ does not support compulsory membership of the scheme for the reasons outlined by the commission in para 173 of the draft report.
- iv. We believe compensation and remedies alignment with the Disputes Tribunal to be appropriate.

## **Summary**

It is WISPANZ's belief that the recommendations contained in the draft report to the TCF represent a path to bring the TDR scheme into line with similar schemes operating successfully in other utility sectors. Raising the visibility of the scheme and making it more consumer focused may improve the reputation of the industry amongst the public.

The telecommunications sector is a rapidly changing one and its dispute resolution scheme needs to be nimble enough to keep up and even anticipate participant requirements.

All stakeholders need to ensure the scheme is reconfigured to adapt to this fast changing environment and to enhance credibility with consumer and industry alike.

TDR membership is being actively considered by many of our members. Many of the recommendations outlined in the draft report will go some way to addressing the real and perceived barriers to full TDR participation.