

Submission from  
The Internet Service Providers Association of New Zealand (ISPANZ)  
on  
Review of the Measuring Broadband New Zealand  
Programme

March 2022

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# **ISPANZ Submission on Review of the Measuring Broadband New Zealand Programme**

## Introduction

Thank you for the opportunity to comment on this review.

ISPANZ is the industry organisation representing internet service providers (ISPs). Whilst membership is open to all ISPs, our members are largely mid-size to smaller industry players, ranging from Trustpower to small wireless ISPs. Some of our members target particular market segments, such as business or education, whilst others are geographically focussed, being well known in their local area but with no national presence.

ISPANZ supports the intent of the Measuring Broadband New Zealand programme. Our members are focussed on providing superior customer service and they value end customers being provided with clear and accurate information.

You state that “The Measuring Broadband New Zealand (MBNZ) programme monitors and reports on broadband performance across New Zealand.” This implies that the coverage is much wider than it really is. You also state that this review covers “fixed-line and Fixed Wireless broadband performance”. You have capitalised the term ‘Fixed Wireless’ but do not defined it until

Paragraph 23. We consider that ‘Fixed Wireless’ should include all forms of wireless connectivity used by ISPs to connect their customers, and include connectivity using both licensed and unlicensed spectrum.

### Coverage of the MBNZ Programme

We note that the various phases of the MBNZ programme have progressively increased in reach, and we would like to see this continue. This is especially important as you state that “Results from the testing are used by . . . individual consumers when choosing a broadband service”. The current programme is therefore working against the intent of the Fair Trading Act 1986. This Act’s purpose “is to contribute to a trading environment in which the interests of consumers are protected; and businesses compete effectively; and consumers and businesses participate confidently.” So long as the MBNZ programme covers only the minority of ISPs, and that its results are used by “consumers when choosing a broadband service”, then it is not possible for the majority of ISPs, including most ISPANZ members, to compete effectively. The scope of the current MBNZ programme contributes to an unfair trading environment.

In Paragraph 50 of your consultation document you acknowledge this significant shortfall, but it took 49 other paragraphs before you got there.

You state “Objective 1: Achieved” and “Objective 2: Achieved”. Respectfully, so long as the majority of ISPs are not included in the programme, and therefore cannot compete effectively as required by the Fair Trading Act, we disagree.

## Recommendation

In order to comply with the intent of the Fair Trading Act the MBNZ programme must expand to include all ISPs that wish to be included.

## Future Programme Objectives

We agree that the current two objectives of the MBNZ programme are, and will remain, relevant:

- Providing consumers with accurate, accessible, and independent information on broadband performance across different providers, plans, and technologies, to help them choose the best broadband for their household.
- Shining a light on broadband performance by allowing comparisons between providers and encouraging providers to compete on performance and not just price.

However, to achieve these objectives requires that all ISPs that wish to be part of the programme are included in it.

We agree with your Paragraph 62, and in particular the need for “A greater coverage of broadband providers, particularly smaller providers, with a clear pathway to add new providers as the market develops.”

## Your Questions

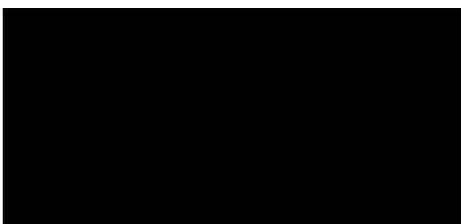
To address your specific questions:

	Question	ISPANZ Response
Q1	What providers, broadband plans, performance metrics and services should we consider removing or adding to the testing programme?	All ISPs should be invited to join, and be welcomed into, the programme. Without them you will continue to fail to comply with the purpose of the Fair Trading Act 1986.
Q2	How should we approach onboarding or adding new providers, products and technologies?	To add new providers, just invite them into the programme. To add new products and technologies will require dialogue with providers to develop appropriate definitions and measurement methods. For example paragraph 62.2 of your review document discusses home Wi-Fi. Every home installation will be different, so every consumer's experience will be different.
Q3	Should we encourage greater collaboration between the testing provider and the broadband providers to facilitate the testing of new products?	Yes.
Q4	What options should we consider, to recruit and maintain volunteers to support greater coverage of products, providers and plans?	We strongly disagree that there should be a regulated requirement to support the programme. There should not be a Commission RSQ code. The consumers are volunteers. The providers should be too.

	Question	ISPANZ Response
Q5	What level of support should providers offer to the programme and to volunteers to promote the programme?	We agree with the concept of providers sourcing their own volunteers, carrying out their own testing with the MBNZ provider, and providing their results to the Commission's programme for reporting of the results.
Q6	Should we consider applying different reporting thresholds for some testing, for example smaller sample sizes, where it has been difficult to get enough volunteers?	Yes.
Q7	How often do you think we should report test results? Why?	You state that "the four reports we release each year is the minimum number to ensure we can monitor the development of broadband performance and the broadband market." We are not sure why you think this is the case. Four reports is ample and less could be considered. Six or more reports per year as you suggest would be too many.
Q8	What changes should we make to our current testing and reporting to better support consumer choice?	Testing should include all ISPs that wish to take part in the programme.
Q9	What are the practical, technical or commercial implications for providers of moving to an embedded software-based testing approach?	Please provide more technical detail of the solution that you envisage so that our members can consider this.

	Question	ISPANZ Response
Q10	What implications would an embedded software-based testing approach have for licensing for modems/third party firmware, warranties, network load and modem capability?	Please provide more technical detail of the solution that you envisage so that our members can consider this.
Q11	What implications does this approach have for privacy and trust for consumers and providers? What safeguards would need to be in place to ensure the privacy of consumer data including cybersecurity and privacy of consumer details?	The Privacy Commissioner should be asked for comment and input on this.

ISPANZ is very supportive of the intent of the MBNZ programme. We wish that all our members had the opportunity to participate in this commendable initiative.



David Haynes

Chief Executive