



**WISPA New Zealand**

Po Box 76163, Christchurch 8548

Website: <http://wispa.nz>

## Response to 111 Contact Code Review

Author:

Glenn Hutton

Director, Unifone New Zealand Ltd.

Authorised for publication by:

Michael Smith

Chairman

WISPA NZ

## **Introduction.**

WISPA.NZ is an industry group launched in 2017 to represent the interests of commercial Wireless Internet Service Providers (WISPs). Our membership currently includes 33 WISPs.

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.

WISPANZ was involved in the consultation process during the development of the 111 Contact Code on behalf of our members and we welcome the opportunity to provide this submission during its review.

**Requirement 1: Vulnerable consumers, or persons on their behalf, have reasonable access to an appropriate means to contact the 111 emergency service in the event of a power failure within a defined minimum period.**

*Question 1: In your experience, how has the implementation of the Code impacted the ability of vulnerable consumers (as defined in the Act) to contact the 111 emergency service during power failures? Please provide any evidence you have which supports your views.*

**WISPANZ response**

The code requirements have given vulnerable consumers the ability to have some assurance that they will be able to contact 111 during a mains outage, should they choose to engage with the code's processes. An informal survey of WISPANZ members conducted recently showed that although many WISPANZ members have VOIP as a retail service, there are relatively few customers that have engaged with the process and gone all the way through to having a backup power device fitted or other means of communication supplied.

This is surprising to us as WISPs usually have a close relationship with their clients and it was anticipated that this relationship might have led to higher vulnerable consumer numbers as a percentage of the customer base than a larger provider. This also comes as a relief given the high cost and complexity of providing a solution relative to the slim margins from the phone service itself as a retail product.

*Question 2: Do you believe that the solutions that have been provided to vulnerable consumers have been effective in providing an appropriate means of contacting 111 during an outage? Why do you hold that view?*

**WISPANZ response**

The solutions provided to vulnerable consumers are, in our view, fit for purpose from a technical perspective. We do believe that the installation of additional units, which are often relatively large devices with LED displays and other indicators and controls, often leads to a sense of unease amongst some vulnerable consumers. This is despite best efforts to explain the operation of these devices and their necessity for continuity of service.

We are not aware of any vulnerable consumer being supplied a mobile phone by any WISPA member.

**Requirement 2: Consumers are effectively informed about the options available to vulnerable consumers.**

*Question 3: Do you believe that RSPs have effectively informed consumers about the options available for vulnerable consumers? Why do you hold that view?*

**WISPANZ response**

We believe that after a period of adjustment and refinement, RSPs now effectively inform consumers about the options available.

There is a considerable amount of information that must be provided to consumers by RSPs to comply with the code and a challenge has been putting that information into plain language.

*Question 4: In your view, are all landline consumers being made sufficiently aware of the risk of loss of service during a power outage? What evidence do you have that supports that view?*

### **WISPANZ response**

We have no information about whether RSPs are adequately informing customers about loss of service during power outages. A survey of WISPA members shows most take advantage of appropriate opportunities to inform consumers of the need for constant power to their broadband and phone devices for continuity of service.

This includes telling the customers at the time of connection, on websites and on various collateral supplied to the customer throughout the time the customer is connected. However, it is not the overriding consideration when arranging a connection and despite putting it in terms a non-technical person can understand, often customers remain unaware of the need for mains power.

### **Requirement 3: Consumers and their representatives have access to effective processes to demonstrate vulnerability.**

*Question 5: In your experience, are the prescribed processes for demonstrating vulnerability effective and accessible for consumers and their representatives? What are the reasons for your view?*

### **WISPANZ response**

We believe the prescribed processes are appropriate. Feedback from our members is that the process usually results in either acceptance as a vulnerable consumer or a clear decision that the customer is not a vulnerable consumer.

Our members have made the information available online, including the relevant forms to fill out but have also indicated clearly that potential vulnerable consumers contact the company for assistance and advice throughout the process. This has been done to provide genuine assistance to consumers and to clear up misunderstandings before the completed application material is returned to the ISP. This ensures the process is expedited as much as possible. Unfortunately, some consumers, despite RSPs best efforts, do not seek assistance and further clarification of personal situations can be required before a decision is made.

### **Other questions**

*Question 6: Do you have any changes you would suggest making to the Code to improve its effectiveness and/or outcomes for vulnerable consumers?*

### **WISPA response**

We do not have any suggestions for improvement of the process other than continued discussions between RSPs, the commission and consumer advocacy groups. We believe education of potential vulnerable consumers is best done by advocacy groups, informed by practice agreed between the commission, RSPs and the groups.

*Question 7: Do you have any views on any other matter related to the Code and/or the vulnerability of consumers who rely on the 111 emergency service? Please provide as much detail as possible.*

### **WISPANZ response**

WISPA members still struggle with the determination by the commission that the entire responsibility to make adequate arrangements for continuity of 111 service to vulnerable consumers should fall rather expensively into RSP's laps.

We believe that the commission needs to consider that several other groups within the community receive either totally free of charge or heavily subsidised telecommunication services. As an example, many school pupils receive free of charge internet services, a process initiated by government during the COVID lockdowns.

The provision of standby services to consumers has proven to be an expensive matter for our members with no means of recovering any costs at all. The days of expensive phone services with healthy margins are well behind us. VOIP services are an adjunct service, not a core service for our members. The standard monthly rental is often less than \$20.00 but the cost of providing the mains power backup, including installation and maintenance easily exceeds \$1000.00.

We are aware that some of our members intend either not to enter VOIP reseller relationships, or to withdraw from the relationships they have because of the fear of the cost of providing services to Vulnerable consumers. Our members are primarily rural focused ISPs and in recent years larger telcos have been actively exiting the rural voice market with considerable consumer confusion arising from them doing so. Many of the legacy PSTN customers fall into the potential vulnerable consumer category and most of our members work very hard to help these customers find their way to new services. Introducing costs like the provision of power supplies makes the business case for providing VOIP very weak for a small ISP and the rural community is poorer for it.

We propose that the commission investigate establishing a source of funding for the supply of the backup power systems. If RSPs could at least have some form of cost recovery for this activity it would alleviate the concern held widely by our members that the commission has privatised an activity the government would otherwise undertake.

The source of the mains backup equipment is extremely limited, as has repeatedly been advised to the commission. The sole off the shelf device suitable for the purpose available in New Zealand has very limited distribution options. There is a New Zealand built option which shows promise but is such a niche product that the manufacturer does not have it in their current product line leaving our members to devise their own power solutions with the attendant costs bespoke devices attract.

### **Compliance Monitoring and Feedback Received**

#### **WISPANZ response**

RSPs with business customers only.

It is very clear to us that business customers should be exempt from the code, regardless of the RSP selling them the service. We believe the responsibility lies with the business itself to make emergency calling available for vulnerable consumers in their premises, as part of their Health and Safety obligations.

We believe it is reasonable for RSPs to inform their business customers of the need for continuous mains power to operate their internet and telephone services, but it should fall to the business to

provide any backup power required. The backup power requirements of a business can be technically complex and expensive to provide and maintain. It is not reasonable to expect the provider of a telephone connection to provide backup power for an entire business and it is hard to know exactly where the line should be drawn with the provision of a solution.

We ask whether a business's router, data switches, wireless access points and various other devices potentially required to provide service to a vulnerable consumer within a business fall within the code? RSPs can't opt out from providing service so we urge the commission to consider the potential implications of not excluding businesses from the code.