

Via email: [market.regulation@comcom.govt.nz](mailto:market.regulation@comcom.govt.nz)

15 June 2023

### 111 Contact Code Review – Request for Views

Mercury welcomes the opportunity to provide feedback to Commerce Commission (**Commission**) in response to its consultation paper *111 Contact Code Review: Request for views on the effectiveness of the 111 Contact Code in meeting the requirements in the Act*, 18 May 2023. No part of this submission is confidential.

The Commission is seeking feedback on the effectiveness of the 111 Contact Code in meeting the requirements of the Telecommunications Act 2001.

Mercury, in general, considers that the present Code requirements and solutions enable vulnerable consumers, or their representatives, to have reasonable access to the means to contact the 111 emergency service in the event of a power failure.<sup>1</sup> We, therefore, do not consider that the general scope of the Code should be amended.

Mercury provides more detailed comments on the Code in response to the Commission's questions, which is set out in the attachment A. Evidence supporting our response to these questions is provided in attachments B and C. Mercury has also provided the TCF with feedback for its submission on the Code. Mercury's and TCF's submissions are complementary.

Mercury looks forward to engaging further with the Commission and industry on the review of the 111 Contact Code.

Yours sincerely



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<sup>1</sup> Telecommunications Act 2001, Section 238(1) defines the purpose of the Code.

**Attachment A: Consultation questions with Mercury's responses**

Consultation Questions	Mercury Response
<p>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. (Paragraph 40)</p>	<p>The code provides a regulatory framework that has enabled technical solutions that allow vulnerable consumers, as defined in the Act, to contact the 111 emergency services for a minimum period, as defined in the Code, in the event of a power failure.</p> <p>Mercury presently has ■ customers with a solution that allows them to contact 111 emergency services in the event of a power failure.</p>
<p>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? (Paragraph 41)</p>	<p>Mercury considers that the two solutions it offers to vulnerable consumers are effective and appropriate means of contacting 111 in the event of a power outage.</p> <p>Mercury does not have evidence, such as complaints or reports of faults, to suggest that these solutions are not effective.</p>
<p>3. Do you believe that RSPs have effectively informed consumers about the options available for vulnerable consumers? Why do you hold that view? (Paragraph 42)</p>	<p>Mercury informs vulnerable consumers and their representatives about the available solution options.</p> <p>Mercury communicates with consumers and their representatives by phone, online or letter depending on the consumer's preferences and circumstances. Attachment B of this submission includes samples of customer letters and customer agent scripts. In addition, here is a <a href="#">link to information provided on Trustpower's website</a>.</p>
<p>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? (Paragraph 43)</p>	<p>Mercury informs customers with fibre-based landline and fixed-wireless services, more generally, that their service will stop operating if there is a power outage.</p> <p>Mercury provides this information at the time customers acquire a fibre-based landline and fixed-wireless services as well as on its website. Attachment C of this submission includes samples of disclaimers communicated when customer is either onboarding or modifying existing services, regarding the risk of power outage.</p>
<p>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? (Paragraph 44)</p>	<p>Mercury considers that the prescribed processes for demonstrating vulnerability provide sufficient guidance for identifying vulnerable consumers and sufficient flexibility to ensure that those in need are provided an appropriate solution.</p> <p>Mercury treats processes prescribed by the Code as a baseline for identifying customers that are at ... <i>particular risk of requiring the 111 emergency service</i> ...,<sup>2</sup> acknowledging that it may not capture particular instances of vulnerable customers at risk in its entirety. As such, Mercury considers and includes a broader set of customers on a case-by-case basis than strictly prescribed.</p>

<sup>2</sup> Telecommunications Act 2001, Section 238(5) defines vulnerable consumers.



<p>6. Do you have any changes you would suggest making to the Code to improve its effectiveness and/or outcomes for vulnerable consumers? (Paragraph 45)</p>	<p>Mercury does not have any specific proposals for amending the Code <i>per se</i>.</p> <p>More generally, though, Mercury considers that the effectiveness of the Code may be improved by the industry engaging directly with community organisations and representatives who support customers that are vulnerable, medically dependent, or find new communication devices challenging.</p>
<p>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. (Paragraph 46)</p>	<p>Mercury has nothing further to add.</p>

