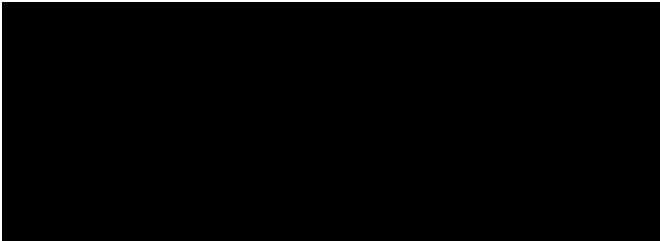


10 March 2023



Official Information Act #22.115 – Response

1. We refer to your request received on 15 February 2023 for information on the Commerce Commission's (the Commission) [webpage](#) "The future of phone and broadband".
2. Specifically, you have requested the following:
 - 2.1 Regarding the statement on the Commission webpage "Before Chorus can stop offering certain copper services, the Commission will develop safeguards to protect consumers..." you would like a description of those "safeguards".
 - 2.2 "In view of the massive communications failures during the current National Emergency, and similar in Auckland a few weeks ago; is there an intention to review such "safeguards"?"
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

4. In response to your request at [2.1], the safeguards referred to on our webpage are the protections afforded to consumers in the Commission's "Copper Withdrawal Code" and the "111 Contact Code".

Copper Withdrawal Code

5. The purpose of the Copper Withdrawal Code is to protect end-users of copper services where Chorus, the provider of New Zealand's copper telecommunications network, seeks to withdraw those services. The Copper Withdrawal Code does this by setting out the minimum requirements Chorus must meet before it can stop providing wholesale copper phone and broadband services.

6. The Copper Withdrawal Code was approved by the Commission under clause 3 of Schedule 2A of the Telecommunications Act 2001 on 10 December 2020 and came into force on 1 March 2021.

111 Contact Code

7. The purpose of the 111 Contact Code is to ensure that vulnerable consumers, or persons on their behalf, have reasonable access to an appropriate means of contacting the 111 emergency service in the event of power failure.
8. The 111 Contact Code does this by requiring telecommunications service providers offering home phone services to inform new customers, and remind existing customers at least once a year, that their home phone may not work in a power cut.
9. The 111 Contact Code also provides that home phone consumers who are considered vulnerable, as defined in the Telecommunications Act 2001, and don't have an alternative way to contact 111 in a power cut, can apply to their provider who will work with them to determine the right product for their particular needs, at no cost to the consumer.
10. The 111 Contact Code came into effect in February 2021 and providers had until August 2021 to make extra support available to vulnerable consumers.
11. Further safeguards were introduced when the Commission issued "Marketing alternative telecommunications services during the transition away from copper" guidelines and instructed the industry body, NZ Telecommunications Forum (TCF), to turn these guidelines into an industry Retail Service Quality (RSQ) Code.
12. The purpose of the guidelines was to improve communications to consumers coming off copper and the general marketing of broadband services.
13. We also set out our expectations for providers to bring their marketing into line with these guidelines as soon as possible, so that consumers could make informed choices about the technologies and plans that are best for their telecommunications needs.
14. The TCF has since issued the "Broadband Marketing Code" and "Copper and PTSN Transition Code", codifying these guidelines.
15. Finally, we worked with industry stakeholders and consumer groups to produce fact sheets addressing key questions and concerns for consumers arising during the transition from copper to fibre.

Will the Codes be reviewed?

16. In response to your request at [2.2], the 111 Contact Code and Copper Withdrawal Code are currently under review. Both Code reviews were initiated prior to the extreme weather events New Zealand has recently experienced.

17. We anticipate the ability of the Codes to protect vulnerable consumers during extreme weather events may be raised in the reviews of the Codes and we intend to seek submissions from providers and the consumers the Codes support to understand their views.
18. The Commission's reviews will consider whether there are any gaps in the Codes in meeting the minimum requirements and whether the Codes can be improved to better deliver on the requirements, having regard to how the Codes have delivered on the requirements to date.

Further information

19. Please note the Commission will be publishing this response to your request on our website. Your personal details will be redacted from the published response.
20. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator