



TCF Submission to the Commerce Commission

Copper Withdrawal Code Review

4 May 2023

A. Introduction

1. This submission is provided by the New Zealand Telecommunications Forum (TCF) on proposed changes to the Copper Withdrawal Code (CWC) that its members recommend will improve the effectiveness of the CWC.
2. The TCF continues to support the copper withdrawal programme led by Chorus. The CWC enables Chorus to withdraw its copper services, where fibre services are available, to ensure a smooth transition for consumers.
3. The CWC continues to meet its overarching purpose of ensuring minimum consumer protections are in place where Chorus seeks to withdraw their copper services and that Chorus continues to work closely with Retail Service Providers (RSPs) and other Local Fibre Companies (LFCs) when communicating the CWC process and impact of the change to affected consumers.
4. This submission is focussed on the points identified in Appendix 1 of the Commerce Commission's Request for Views Paper (the Paper) and other key areas that Chorus has identified would enable a more efficient and effective delivery of the Code to affected consumers.
5. Members of the TCF may choose to provide separate submissions on other areas of the CWC.

B. Chorus Proposed Changes

6. The TCF sets out the following response to the points set out in Appendix 1 of the Paper:

- i. **Amend the notice process to improve clarity of outcome for consumers:**

The TCF supports the amendments proposed by Chorus to the final notice and that a consistent intended withdrawal date is given to the end user that should then be used in all communications to that end user. These amendments will provide more clarity on the potential outcomes for consumer/s with the actual intended withdrawal date, remove the requirement to send a separate notice within a month after the notice period ends and minimise risk of consumer confusion with the process.

ii. **Allow for alternative postal addresses, e.g., PO Box, community mailbox or a business headquarter:**

The Code should allow Chorus to post to an alternative address to solve issues where, for example the end user does not reside at the premises where the copper is being withdrawn or there is no letterbox. The TCF does recognise it is a collaborative effort between Chorus and the RSPs to ensure notices are correctly delivered to a suitable address for the end user. That alternative address information provided by RSPs can only be best efforts as RSPs may not always have the correct mailing address for the customer for various reasons. However, the principle of this proposed change will provide for a better outcome and engagement with affected end users. It will also enable Chorus to formalise its operational process for circumstances where the primary address is not the appropriate one for communicating with the customers.

iii. **Allow for flexibility with communication channels e.g., via electronic channels rather than solely relying on posted mail or mail drops:**

The TCF supports the principle that there should be a range of communication channels for consumers to receive important information that may impact their telecommunications service. We note that RSPs already communicate with customers affected by copper withdrawal via a range of different channels, including mail, email and phone calls. In principle, the TCF supports the idea for the Code to have more flexibility in how an end user may access the notice in addition to posted mail or mail drop, particularly for those consumers who may have a disability or English is not their first language. Our RSP members commented that the Code should not introduce a requirement for RSPs to share alternative contact information. Further consultation is required on how this would be operationalised.

iv. **Add a 'pause' mechanism to the process so that a notice period duration may change in response to unexpected events:**

Recent events such as the pandemic and Cyclone Gabrielle have shown us that we need to be flexible and adapt to certain things to support our communities. The TCF agrees that the Code should enable Chorus and affected RSPs to pause its withdrawal process and focus on supporting end users during particular circumstances.

Should the Commerce Commission agree to this pause Chorus, RSPs and LFCs will need to reflect this in their agreed operational processes for communicating the start, and end, of pauses and revised withdrawal dates.

7. The following two additional points have been considered by the TCF.

i. **Definition of “notice period” would benefit from further clarification:**

The relevant definitions appear to (unintentionally) conflate the “notice period” ending with the “proposed date of withdrawal”, which is potentially confusing for consumers and industry participants (as both concepts are communicated via Chorus notices). This is because the “proposed date of withdrawal of the copper service” is envisaged as being directly at the end of the notice period.

Currently, a notice period is a minimum of 6 months given to impacted consumers, and applies to the overall process of copper withdrawal. At the end of the notice period, Chorus must assess if it has met its obligations under the Code. If it has, it may proceed with withdrawal i.e., the proposed withdrawal date comes after the end of the notice period.

The TCF recommends that the meaning of “notice period” is better defined to provide clarity.

ii. Amended timing of notices within the notice period:

The Code requires multiple notices be sent to end users who remain on copper, these are meant to help serve as reminders during the notice period. However, the length between the notices is long and the end user could be better reminded if the notices were sent closer together in time – with the purpose of helping drive more urgency and action.

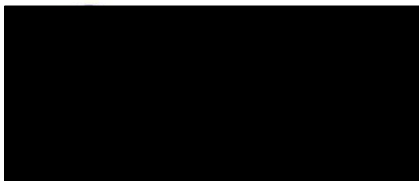
Currently, the process requires a First Notice at the start of the notice period, followed by a Further Notice at 3 months, and a Final Notice at 20 working days before the end of the notice period (i.e., a month depending on the number of public holidays).

The TCF is supportive of changing the timing of the notices but does not have a position on what that may look like at this time. We will consider it and share our views with the Commission as it develops the draft amended code.

C. Conclusion

8. This submission supports a number of recommendations to the CWC to ensure the process for copper withdrawal continues to be improved and enable Chorus to operationalise better process outcomes and solutions for end users.
9. The TCF supports further consultation with all parties on how the recommendations could be implemented.
10. The TCF is happy to answer any questions the Commerce Commission might have on the views set out in this submission.

Yours sincerely



Paul Brislen

Chief Executive Officer

New Zealand Telecommunications Forum (TCF)

About the TCF:

The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. TCF member companies represent 95 percent of New Zealand telecommunications customers. The TCF facilitates the development of consensus-based, self-regulatory codes, that set standards and specifications for the way members follow procedures internally, and for the way industry interconnects on industry-wide issues. The TCF enables the industry to work together and to discuss issues and topics collaboratively, to reach acceptable solutions that can be developed and implemented successfully.

TCF Members include: 2degrees, AWACS, Chorus, Enable Networks, Kordia, Mercury, Northpower Fibre, NOWNZ, ONE NZ, Spark, Symbio Networks, Tuatahi First Fibre, Unison Fibre and Vector Fibre. WISPA-NZ, which represents 28 Wireless Internet Service Providers, is an Associate Member of TCF.