



Spark^{nz}

Draft Copper Withdrawal Code

Public Version

Commerce Commission

9 November 2023

Fibre Connections At No-Cost To The End-User

1. Spark welcomes the opportunity to comment on the draft Copper Withdrawal Code.
2. As noted in our previous submission we requested additional clarity around 'no cost' standard and non-standard installation for fibre installations that are required to enable Chorus to withdraw copper in an area.
3. Paragraph 38.2 makes it clear that a fibre order placed after the First Notice should be installed at no cost to the end user. The definition states that 'No cost' means no cost to the end-user for the installation of the connection to the fibre service, whether the connection is a standard connection or non-standard connection.
4. We still see examples of Chorus proposing to charge customers for installations in copper withdrawal area. We have pushed back when these costs are proposed but we consider it would be prudent for the Code to be absolutely clear that if a copper line is being withdrawn as part of the copper withdrawal process then a fibre connection should be available at no cost to the customer.
5. This should apply to any existing copper line in the Specified Fibre Area.
6. As we noted previously, an example we have seen is for a subdivided property where the person at the front of the property is on fibre, but a tenant in a second dwelling elsewhere in the property is still on copper. Ordinarily if the tenant wants to install a fibre connection that would be a non-standard installation requiring a second ONT at the property.
7. We have no issue with Chorus charging for a non-standard install in this case where the installation is driven by a customer request. But our view is that the tenant at the back should not have to pay to have fibre installed if Chorus is withdrawing the copper network serving their dwelling. The Act does not distinguish between standard and non-standard installs, they must both be at no cost to the end-user.
8. We previously sought clarity from Chorus on this point and they noted that they will charge customers for non-standard installations where the property is classed as 'infill'.
9. A scenario for 'infill' is where a property has multiple copper lines to the house (for example where the property has a separate granny flat or has been converted into multiple dwellings) but only one of these was converted to fibre, leaving the other copper lines at the address. Another scenario is where the property was built and connected to a copper line after fibre was initially rolled out down the street so the property isn't provisioned for fibre. In these cases a technician will be required to do additional outside boundary work, chargeable to the customer, in order to replace the copper lines with a fibre connection.

10. In other words, it appears there are some scenarios where a customer has an existing copper line in a Specified Fibre Area, but Chorus might not provide a replacement line at no cost to the customer.
11. As we noted previously this could be resolved in two ways:
 - a. The Code should clarify the scenarios under which a fibre connection is to be provided at no cost to the end-user to ensure this includes the concept of 'infill' properties (ie any existing copper line in a specified fibre); or
 - b. The notified Specified Fibre Areas should be amended to define, and exclude, 'infill' areas so the Copper Withdrawal process will not apply to these properties, and customers in 'infill' areas can continue to use their existing copper connections.
12. This clarification is needed for both consumer and businesses / enterprise copper connections: It is not uncommon for a corporate premises to already have a fibre connection on one part of a site, but existing copper lines are still used to serve other parts of the building. The business may still require the lines under copper withdrawal to be replaced with a fibre connection, but we have found this scenario is often chargeable by Chorus as they argue the premise is already connected to fibre so they have met their obligations.
13. We request further clarification on whether Chorus can refuse to provide a fibre connection in this scenario, and that the installation should be at no cost to the business. We do not think it is enough to simply rely on Chorus' interpretation of Schedule 2A for this 'infill' or multi-line cases.
14. Finally, we request clarification on the scope of the 'no cost' installation as we are aware of situations where Chorus has wanted to charge customers for items such as internal wiring or electrical work, or tree trimming to facilitate the fibre installation. We are unclear whether Chorus should be able to charge for these items, which are only required because of the withdrawal of the existing copper line.