

8 November 2021

Paul Brislen
Chief Executive Officer
New Zealand Telecommunications Forum Inc.
PO Box 65503
Northshore
Auckland 0754

Dear Paul

Marketing alternative telecommunications services during the transition away from copper – Commission guidelines

As you know, we have been consulting on proposed outcomes and conduct principles, which are intended to address issues relating to the marketing of alternative telecommunications services to consumers.

Responses to the consultation have confirmed our view that this is an increasingly pressing matter that requires urgent action.

We have finalised our work, having regard to the submissions we received, and now issue guidelines to the industry under section 234 of the Telecommunications Act 2001.

The New Zealand Telecommunications Forum Inc. (TCF) should use the guidelines to prepare an industry retail service quality (RSQ) code that will apply in this area.

At this stage, we remain of the view that an industry RSQ code is the most appropriate way forward, subject to the following expectations:

- The code should be prepared within 60 working days. We have extended this from 60 calendar days in response to submissions.
- Within the first 10 working days, the TCF should confirm in writing to the Commission:
 - project governance arrangements;
 - working party composition; and
 - project plan including key milestones and timeframes.

- At the end of the first 20 working days, and again at the end of the second 20 working days, the TCF should confirm in writing to the Commission that the process remains on track to deliver the code within the required timeframe.
- If at any point the TCF requires clarification or further guidance from the Commission on any aspect of the guidelines, then the TCF should request this promptly. We are willing to consider “pausing” the timing of the code development process to enable requests for further guidance or clarification to be made.
- Once the industry RSQ code has been finalised by the working group, the TCF should confirm in writing:
 - how it has incorporated the outcomes and conduct principles into the code;
 - formal implementation/compliance timeframes for the code; and
 - how it will monitor compliance with the code and what enforcement action it will take if parties do not comply with the code.

As already signalled, providers are expected to bring their marketing conduct into line with the outcomes and principles in the guidelines as quickly as possible, ahead of the industry RSQ code. This is a critical indicator of commitment to the industry-led process many providers wanted.

In this regard, we expect provider websites to be updated, as necessary, within the first 20 working days and for there to be a “clean” pipeline of advertising complying with the guidelines for the Christmas and New Year period.

Finally, if the industry process fails to achieve its intended purpose, or appears to be unlikely to do so, we will move to issue a mandatory Commission code, with statutory penalties and enforcement provisions.

We trust that such an outcome can be avoided and look forward to seeing the industry working together to ensure the success of the TCF process and deliver an effective industry code.

Please contact Ben Oakley at Ben.Oakley@comcom.govt.nz if you have any questions in relation to this letter.

Yours sincerely



Tristan Gilbertson
Telecommunications Commissioner

Encl.