

One NZ submission on the Copper Withdrawal Code Review

4 May 2023

Introduction

1. We welcome the opportunity to comment on the Commerce Commission's (**the Commission**) review of the Copper Withdrawal Code (**the Code**). Below we have set out our views on Chorus' proposals. We will continue to engage with the Commission's review process.

Position on Chorus' proposals

Proposal 1: Amend the notice process to improve clarity of outcome for consumers

2. We support this proposal. The current requirement for Chorus to send consumers a separate notice within a month after the notice period ends causes confusion and can lead to poor experience for our customers. We therefore agree that the Confirmation Notices requirement should be removed.
3. We also support Chorus' proposal that the Final Notice should be the last notice that consumers receive from Chorus (providing Chorus has met the minimum requirements and is not required to continue the copper service) and for it to include the 'actual intended withdrawal date'. The withdrawal date should be consistent across all of the communications sent to the customer, both from Chorus and their RSP.

Proposal 2: Allow for alternative postal addresses

4. We support this proposal and agree that Chorus should be able to post withdrawal notices to an alternative address, where known and as appropriate. We note that the information provided by One NZ on alternative postal addresses will be best efforts only as we may not always have the correct mailing address.

Proposal 3: Allow for flexibility with communications channels

5. Under the Code, Chorus is required to communicate directly with the occupant of a site, as they are the provider of infrastructure to a particular site. Meanwhile, RSPs hold the relationship with the end users of the telecommunications services. This distinction is set out in the Telecommunications Act 2001 (the Act). Accordingly, the obligation for Chorus to send written mail communication to the site that is affected by copper withdrawal should remain.
6. We note Chorus' argument that 'some consumers may require assistance to respond to the notice' and 'where post is not preferred for other reasons', alternative methods of communications should be allowed under the Code. One NZ already communicates with its customers about copper withdrawal via a range of different channels, including mail, email and phone calls, providing for the needs and preferences of different consumers. We therefore see no particular need for Chorus to communicate directly to customers via email or phone call and would not support a requirement for RSPs to share this information being added to the Code.
7. Any move to enable Chorus to communicate with affected consumers via different channels, such as email, (in addition to mail communication) when opted-in by consumers would need to be accompanied by a requirement for Chorus to: i) ensure that the communication is strictly limited to the specified 'first' 'further' and 'final' notifications with no scope to expand beyond copper withdrawal notifications or into any new notifications around copper withdrawal; and ii) share their data retention policy around gathering, storage and disposal of this customer information.
8. In addition, any expansion of the means by which Chorus communicates directly with end users would need to be accompanied by commitments to refrain from offering incentives for consumers to move to a particular technology when transitioning off copper or other marketing behaviour, as seen previously, that is inconsistent with regulatory provisions that preclude Chorus from acting like a retailer of services.

Proposal 4: Add a 'pause' mechanism to the process

9. We support this proposal. A 'pause' mechanism has already been used on specific exceptional occasions and the Code should reflect this function. Further consideration and consultation with industry is required to define situations when a 'pause' mechanism could be used.

Proposal 5: Remove ability for third parties to prevent copper withdrawal

10. We acknowledge the difficulties in cases described in Chorus' proposal and, as a general principle, support the idea of removing the ability for third parties to block copper withdrawal (for example, in cases where the property is occupied by a tenant and has access to a fibre connection, but the landlord withholds permission for fibre to be connected).
11. However, we do not support the proposal for Chorus to be able to proceed with copper withdrawal where an alternative service is available, such as fixed wireless or satellite. Chorus should continue to be incentivised to help consumers get the necessary permissions to support the installation of fibre in these edge cases. The ability for consumers to choose between fibre and any other service that may be available to them when transitioning off copper should remain.

Additional proposal

12. We have been calling for Chorus to be required to provide RSPs in advance with the forecasts of the size and location of planned copper withdrawal and continue to advocate for this. We understand that this information may not always prove accurate and would accept this being provided on a best-efforts basis, measured as being equal to the forecasts Chorus uses itself.
13. The copper withdrawal programme is an initiative that requires considerable resources by RSPs who play a critical role in assisting consumers through this process. Supporting customers through the transition to alternative telecommunications services is a resource intensive process at the best of times, but even more so for unengaged or reluctant customers. As such, visibility of Chorus' longer-term plans would help us forecast and plan for the right level of resources and budget this project will require over the coming years so we can continue to support our customers effectively.
14. Please contact the following regarding any aspect of this submission.

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