

7 October 2021

By email to:

Industry stakeholder group
Consumer stakeholder group
Respondents to the consultation
New Zealand Telecommunications Forum Inc.

Tēnā koe, he mihi nui ki a koutou

Decision to publish guidelines on the marketing of alternative services to consumers during copper and PSTN withdrawal

On 4 August 2021, we published an [open letter](#) proposing outcomes and conduct principles for telecommunications providers to follow when marketing alternative telecommunications services during the withdrawal of copper-based services, including the home telephone exchange (the **PSTN**).

We received 605 responses through our consumer feedback form and 21 submissions on the open letter through our online portal. The submissions and a summary of the consumer responses are published on our website alongside this letter.¹

We are grateful for the feedback we have received and would particularly like to thank the many individual consumers who responded on the outcomes and principles. Consumer feedback confirmed the need for prompt action in this area and overwhelmingly supported the proposed outcomes and conduct principles.

After considering feedback on how to progress this urgent work, we have decided to implement the approach proposed in the open letter. Accordingly, we will issue the outcomes and principles to industry as guidelines under section 234 of the Telecommunications Act 2001, in the expectation that they are rapidly incorporated into an industry retail service quality (**RSQ**) code.²

On balance, we remain of the view that an industry-led approach is the most appropriate way forward in the first instance, subject to certain safeguards that will be built into the process.

¹ Submissions and the summary of consumer responses can be found on our project page - <https://comcom.govt.nz/regulated-industries/telecommunications/projects/marketing-of-alternative-services-to-consumers-during-copperpstn-withdrawal>

² Section 234 of the Telecommunications Act 2001

At this stage, we plan to publish the guidelines for industry around the end of October 2021, alongside reporting and related requirements for the development of the industry code. The guidelines will include revised outcomes and principles based on the feedback we received.

We expect the New Zealand Telecommunications Forum Inc. (the **TCF**) to prepare an industry RSQ code based on our guidelines within 60 working days of the guidelines being published.

In response to feedback, we have decided to allow 60 working days, rather than 60 days, for the TCF to complete the code. We consider this balances the need for urgent action with the need for the industry to have sufficient time to prepare the code.

In this regard, we note that the onus is on the industry to make the TCF process work, including by providing the resource and focus necessary to deliver a code in the required timeframe.

If the TCF is unable to satisfactorily formulate an industry RSQ code, or if an industry RSQ code is prepared but fails to meet its purpose, we will move to issue a Commission RSQ code.

Finally, given the urgency of these issues, we expect telecommunications providers to bring their marketing into line with the outcomes and principles as quickly as possible and in advance of any formal code.

A proactive response from telecommunications providers will be critical to the success of the industry-led process they wanted.

Further information, including our response to submissions, will be published with the guidelines.

Ngā mihi, nāku nā



Tristan Gilbertson
Telecommunications Commissioner