



Vodafone submission on industry dispute resolution scheme

18 December 2020

Introduction

Thank you for the opportunity to provide our views on the telecommunications industry dispute resolution scheme (the scheme). The scheme is currently operated by Fairway under the branding Telecommunications Dispute Resolution Scheme (TDRS).

The TDRS provides a critical role in the telecommunications sector. Overall we support Fairway and the TDRS, but recognise that some tweaks can be made to better serve end-users.

We disagree that an increase in complaints is a measure of poor performance. In large part this increase in complaints is the result of a number of awareness campaigns, such as:

- Placing information about TDRS on all of our consumer bills
- Social media campaigns, utilising animations and influencers that have used the TDRS
- Increasing funding for search based adds
- Producing case studies and articles for the TDRS website to show how the process works



Membership

For the TDRS to function as a robust way to capture unresolved complaints for the industry the scheme must be mandatory for all telecommunications companies. Currently wholesalers are not full members of the scheme, and many smaller RSPs have no relationship with the TDRS.

The TDRS deeds only apply to the retail members, no wholesalers, including the substantial UFB wholesalers are signatories. While some wholesalers have signed a letter with TDR to bring them within jurisdiction, three issues remain:

1. Some of the largest telecommunications companies do not contribute to the fixed costs of the TDR. For example the local fibre companies (LFCs) accounted for almost 25% of total qualifying revenue in the latest TDL determination,¹ yet pay none of the fixed costs of dispute resolution. This has handicapped the funding for the TDRS, limiting its capability, for example in further improving awareness.
2. Industry complaint statistics are reported incorrectly. Complaints raised to TDRS must be assigned to an RSP first, even if the complaint solely relates to a network issue from Chorus or one of the other LFCs. We believe that this has contributed to a worrying trend where Chorus and the LFCs are not willing to engage in resolving issues before they are deadlocked and sent for a TDRS decision.
3. Some issues completely fall through the gaps. There are a number of customers with in-tact connections but no RSP associated with that connection. In this case the TDRS has no jurisdiction if there are any issues. For example Chorus has been running a campaign to get customers 'fibre ready' by installing the final fibre drop and an ONT at the premise before any retail service is connected. Currently Chorus has more than 72,000 premises with fibre connected but no RSP.² If there are any problems with this connection there is no recourse to the TDRS.

Many RSPs are not a member of the TDRS. For example neither Voyager, nor Lightwire are members despite having almost \$20m of qualifying telco revenue between them. This reduces the ability for the TDRS to market itself as the one stop shop for

¹ https://comcom.govt.nz/_data/assets/pdf_file/0025/229327/Final-2019-20-TDL-liability-allocation-determination-3-December-2020.pdf

² <https://sp.chorus.co.nz/stories/72000-hot-fibre-leads-ready-you-connect>



telecommunications disputes. The industry must be on a level playing field with simple messaging to customers. This requires membership of TDRS to be mandatory.

Industry involvement in advisory council is essential

The TDRS Council provides an advisory function for the scheme. The council has 50:50 industry and consumer representation and is chaired by a consumer representative. The Council reviews recent performance and trends, considers legislative or regulatory changes, and identifies improvements to serve customers better and raise awareness.

We consider it is essential that strong industry representation remains on the TDRS Council. Industry involvement ensures that decisions are practical and achievable. This requires a broad industry representation to ensure a wide range of market perspectives are taken into account.

Code review

Finally we would like to see the code updated to provide more guidance to the TDRS on certain matters. For example:

- TDRS should not be directed to consider any complaints about the safety of consented technology deployments, such as the 5G roll-out;
- problems relating to mobile devices, which RSPs simply re-sell often on behalf of large international companies; and
- the status of TV and broadcasting services should be clarified