

**tuanz**



**Submission on the Emerging Issues Paper.**

**Commerce Commission 111 Contact Code.**

**14<sup>th</sup> October 2019**

## Introduction

1. TUANZ is pleased to submit in relation to the Emerging Issues paper released on the 12th September 2019 on the Commission's work to develop a 111 Contact Code (the Code). This submission is a Public Version and contains no confidential information.
2. Our address is PO Box 302 469, North Harbour, Auckland 0751 or Level 7, 62 Victoria Street West, Auckland Central. Our email address is [office@tuanz.org.nz](mailto:office@tuanz.org.nz) and our website can be found at <https://www.tuanz.org.nz>.

## TUANZ

3. TUANZ is the association for the users of digital technology and connectivity. We are unique - **there is no other group or organisation that is representative of the people and organisations that are the end users of digital technologies in the manner that TUANZ is.**
4. Our member's want to see a lift in the digital economy along with the continued development of a strong market providing real choice for end users – whether corporations or consumers. We seek a national drive to leverage the opportunities that we have with our world leading digital networks. **TUANZ has the vision where New Zealand is in the top 10 countries for the use of digital technology.**
5. TUANZ position is consistent and clear: **The availability of competitively priced, good quality, fast connectivity in all parts of NZ is a critical economic enabler for the future of the NZ economy.**
6. TUANZ is a not-for-profit membership association with over 170 members, predominantly large organisations with a strong dependency on digital technology and connectivity as well as small enterprises and individual members. These small businesses and residential users are the customers of our large corporate members, who are just as focused on the quality of their customers' connectivity as their own.

## Our submission

7. We have chosen in this submission to simply respond to the questions raised in the paper.

## Questions Raised

	Question	Response
1	Do you agree that three aspects we have identified should be considered out of the scope of the Code?	We agree that these aspects as they relate to the end user can be considered outside the scope of a code. However, these remain incredibly important to users and should not be dismissed altogether. The Commission has other pieces of work underway in terms of Wholesale and Retail service performance, where requirements around resiliency and call handling could be included if not here. We would also like to see any renegotiation of the LRTS obligations to be done in a transparent and consultative manner.
2	Are there any other areas that should be out of scope?	Not in our view.
3	Who should be considered a vulnerable consumer?	We agree that defining who are "vulnerable consumers" is problematic. However, this service is critical to all citizens of New Zealand who may find themselves in a crisis. While it is a requirement of the Act to define vulnerable, it should not be used in any way to lessen the requirement on all users.
4	What alternative approaches to defining consumer vulnerability should we	We are comfortable with the proposed approach.

	consider and how would they work?	
5	Do you agree that consumers who have chosen not to take a landline with their service should not be deemed vulnerable?	We do not agree with this proposal. Whilst we are comfortable with the approach to defining vulnerability, users who chose to use a different technology (i.e. mobile) as their primary means of calling should not be automatically excluded.
6	Should consumers with medical or personal alarms be assessed as vulnerable?	This would only make sense if you did not use the proposed technology approach.
7	Should consumers with a cordless (walk-about) phone be considered vulnerable?	
8	Which telecommunications services should the Code apply to?	Our initial view is that, at least initially, the code should attempt to be written in a way that it would apply to all services that users are able to utilise to make a 111 call.
9	What are your views on our approach to defining consumer vulnerability based on the susceptibility to a power failure of the technology at their premises?	We are comfortable with this approach at least initially but are concerned that this may be too limiting in that users in an emergency do not care about how a call is made, but that a 111 call is able to be made.
10	What are the potential practical issues with choosing to assess vulnerability as we have in our proposed approach?	The most significant issue would be with the users who have no choice in the technology services that are available at their residence and are particularly at risk. They may indeed not be captured in the Commission's definition of vulnerable.
11	Who should we define as the service providers that will be required to supply vulnerable	We agree that it is the Retail Service Provider who has the requirement to provide the means to contact 111. However, this should not mean that

	consumers with an appropriate means for contacting the 111-emergency service?	wholesale providers are released from any obligation to ensure that their networks can deliver the underlying service that calling relies upon.
12	What are the appropriate means for vulnerable consumers, or persons on their behalf, to contact emergency services in the event of a power failure?	While mobile phones may be available for consumers, they should not be required to have a working service. Our preference is to identify the best way to ensure that their normal means of communication can be used in the event of a power failure - and this would appear to be some form of battery backup.
13	Is a mobile phone an appropriate means to contact the 111-emergency service in the event of a power failure?	A mobile phone may be available but not everyone will have access to that service,
14	How should consumers demonstrate that they do not have access to mobile phones?	Not required under our preference.
15	What happens when a consumer who has been provided with a mobile phone switches provider or technology?	Not required under our preference.
16	What additional stages or questions might be required for our flow diagram to meet the purpose of the 111 Code?	
17	How appropriate is a battery backup as a method of providing	We consider this to be the best option to provide continuity of service for

	the means to contact the 111-emergency service in the event of a power failure?	consumers to be able to access a 111 service in the event of a power failure.
18	What are the practical issues and potential solutions for using battery backups to provide the means to contact the emergency service in the event of a power failure?	There will be issues around how and where to install a UPS solution. A secondary issue is when the modem is installed some distance from the ONT and the user may need instructions on how to plug the modem into a UPS when an outage occurs.
19	What other appropriate means, technologies or solutions for contacting the 111-emergency service in the event of a power failure should we consider (e.g. medical alarms, satellite phones, pagers), and what are the advantages and disadvantages of these?	
20	How should service providers identify consumers who do not have access to a mobile phone?	
21	Should service providers be given the ability to choose what appropriate means they provide to vulnerable consumers providing they are	Our preference is for battery backup as a minimum level of service.

	guaranteed to operate for the minimum period?	
22	Should service providers be required to offer consumers a choice of a range of options if they do not have an appropriate means to contact the 111-emergency service?	
23	Should a central register be created for vulnerable consumers (or potentially vulnerable consumers) which also records who has received an alternative method to contact the 111-emergency service be created?	Rather than a central database be developed, there should be the capability for the 111 service to have the ability for real time query of RSP or Wholesale providers records of services available at each residence.
24	What is an appropriate minimum period that a service must operate for contacting emergency services in the event of a power failure?	We are unable to provide a specific answer to this without some analysis of outage experience in New Zealand. The Commission should consider a different measure for Urban NZ versus Rural experience.
25	Should we base the minimum period on the average network infrastructure resilience in the event of a power failure?	
26	Should we base the minimum period on the length of an average power outage?	

27	Should we base the minimum period on the length of power outages during a significant national event such as the Christchurch earthquakes?	
28	What other methods for determining the minimum period should we consider?	

### Final Comments

8. TUANZ welcomes the opportunity to provide the Commission with this submission in regard to the emerging issues identified as part of the 111 Contact Code work. This paper provides a summary of feedback from our organisation that represents actual users of technology and digital communications. We have attempted to provide a succinct and clear enunciation of the views of our members.

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