



# Vodafone New Zealand Cross-Submission on Draft 111 Contact Code

**6 August 2020**

Thank you for the opportunity to provide a cross-submission on the draft 111 Contact Code. Submissions demonstrated a number of key issues remain unresolved. We urge the Commission to hold a workshop with interested parties, particularly on how to best identify and register vulnerable customers.

In this cross-submission we comment on:

- the complexity of implementing the code for Retail Service Providers (RSPs);
- the 12 hour minimum period for the alternative means;
- how vulnerable consumers are identified and registered; and
- other issues raised

## Submissions demonstrated how complex implementing this code will be for RSPs

Submissions from the TCF, other RSPs, battery providers, and community groups demonstrated just how complex implementing this code will be. In particular we note:

- Constant Vigil demonstrated how hard it is to tell the current performance of a battery back-up. This means RSPs will need to develop a careful process for management of these assets



- Sabre IT Ltd demonstrated that for a battery to operate optimally it needs to be pre-conditioned before use. This means we either have to develop clear guidelines for consumers, or undertake this work ourselves. This will require our own testing, and may require one or more consumer trials.
- The Association of Blind Citizens highlighted that for certain consumers speciality devices may need to be provided to cater to their particular needs. This means RSPs may need to procure and test a range of devices.
- Vocus NZ highlighted the complexity of switching between RSPs, especially where there is expensive equipment in the consumer's property. RSPs may need to agree protocols between each other for how to treat switching customers.
- Spark highlighted the formal systems development RSPs must go through to ensure that any register of vulnerable customers has the appropriate privacy controls, but is also readily available to those in the business who need it when engaging with customers.

We therefore strongly disagree with the submission from Chorus that implementing the code will not be complex for RSPs, and only a short implementation period is required. Chorus place too much emphasis on the number of consumers that will require an alternative means of contacting 111 during a power outage. However, the complexity of the code comes from having to develop multiple new product sets and processes to meet the needs of vulnerable customers. This requires product testing, systems development and business rules for how we treat these customers. All this work remains the same, no matter how many vulnerable customers we support.

## Submissions confirmed that it is unworkable to set the minimum period at 12 continuous hours

A number of submissions commented on the challenges that a 12 hour minimum period will create for RSPs and vulnerable consumers.

- Constant Vigil noted their Sensory Pro backup device (which is not advertised on their website) can achieve 12 hours backup for 11W equipment. This falls well short of the combined 48W needed to power our UltraHubs and ONTs we use for the HFC network. We would need a battery more than four times the capacity of their top end model to meet the proposed requirement.



- Sabre IT Ltd highlighted a number of factors that can impact on battery life, such as whether it has been pre-conditioned, its age, and the temperature it operates at. All this means we will need to over-spec any battery we provide making the 12 hour timeframe even more unachievable.
- Chorus requested that the Commission require a 230V 50Hz AC UPS. This is a high specification, increasing cost, and would be near impossible to meet with the 12 hour requirement.
- Many smaller RSPs have clearly shown the costs and implications on their businesses of providing such a high capacity battery. These same pressures equally apply to larger RSPs, it may change the nature of the service we offer. We also caution against creating different requirements for different providers. This would ultimately create a different treatment for consumers depending on their RSP, which is inconsistent with the intent of the Code.
- The Blind Association highlighted that some customers will need a device capable of text to speech. This capability is typically only available on smart phones which often will not have a reliable 12 hours of battery life, especially later in their life-cycle. The result of the proposed minimum period might mean we are simply unable to meet the needs of these vulnerable consumers.

## Submissions showed that identifying and registering vulnerable consumers is complex

Most submitters agreed that the proposed definition of 'persons of standing' is too broad. This was reflected in submissions from the TCF, RSPs, but also from consumer groups like Grey Power, Police, Fire and Ambulance, and at least one member of Rural Women New Zealand.

These submitters considered that many of the professions listed as 'persons of standing' are not well qualified to determine vulnerability. However, there is less consensus on who is appropriate to certify that a customer is vulnerable. We encourage the Commission to include this as a point of discussion in a workshop for interested persons.

Some submitters such as Consumer NZ also envisioned a much larger role for RSPs in proactively identifying vulnerable customers. We can understand the difficulty of



some vulnerable persons registering themselves, however we are not a social service agency and simply do not have the skills or mandate to perform this role. This may be another matter to discuss with interested persons at a workshop.

We also note that the consumer feedback 'overwhelmingly rejected the idea of annual recertification'. We support this requirement to ensure that resources are being directed to where they will deliver the most benefit. In particular, it is essential that RSPs have the ability at the end of the devices life to reconfirm that a customer still requires support before a new device is provided. Otherwise we run the risk that simply through inertia, new devices are supplied where they are not needed, incurring unnecessary cost.

## Other issues

We also make the following comments on submissions.

- We agree with Spark that businesses should not qualify. The responsibility for any person that resides at a business premise should be on the business, not on their telecommunications provider.
- We agree with Spark that it is excessive to require us to keep records for 5 years. This is well beyond our usual business practice and will impose significant cost.
- We agree with the New Zealand Technology Group and its members that an RSP cannot be expected to provide a means of contacting 111 to someone they do not have a contractual relationship with. We also agree with the need to be able to claim expenses if a vulnerability claim is found to be false.
- We support the changes proposed by Fairway Ltd to make the code more in line with the existing Telecommunications Dispute Resolution Scheme.
- We disagree with submissions from the Association of Blind Citizens and asking for more onerous reporting requirements. We do not consider the additional information they suggested we provide the Commission is sufficiently necessary to justify the additional reporting costs.
- We disagree with Consumer NZ that we can only request a vulnerable customer to re-submit their application if we have reason to suspect they are no longer vulnerable. We do not have enough information on our customers to have any basis to make this judgement, and we consider it inappropriate to build this capability.



- We disagree with Grey Power that the ways vulnerable customers can engage with RSPs should be specified in the Code. This may constrain future business practices and will be difficult to keep up with the evolving norms of how customers engage with us.
- We disagree with Police Fire and Ambulance's submission that the code should include network resilience. This goes well beyond the intended scope of the Code in the Act.