



**Submission to MBIE on:  
Telecommunications Act Review: Post-2020 Regulatory Framework for Fixed  
Lines Services  
March 2017**

This submission is made by the New Zealand Telecommunications Forum Incorporated (TCF). The TCF is the telecommunications sector's industry body which plays a vital role in bringing together the telecommunications industry and key stakeholders to resolve regulatory, technical and policy issues for the benefit of the sector and consumers. The TCF enables the industry to work together and to discuss issues and topics collaboratively, to reach acceptable solutions that can be developed and implemented successfully. Its members represent 95% of the New Zealand telecommunications industry by customer numbers.

This submission sets out TCF members' collective views<sup>1</sup> on the *MBIE Telecommunications Act Review: Post-2020 Regulatory Framework for Fixed Line Services discussion paper* (the Discussion Paper). The TCF welcomes the proactive decision to publish the Cabinet paper, Cabinet minute and Regulatory Impact Statement associated with the discussion paper.

This submission focusses on one central issue which relates to the development of an industry Code for the withdrawal of copper services.

**Copper Withdrawal Code**

The Discussion Paper sets out the proposal that in areas where copper services are deregulated, Chorus will have the option of withdrawing service and removing the copper network. The proposal is that Chorus would be able to do this according to its own timeframes so long as it meets minimum customer protection requirements, which will be implemented in a regulated code.

As advised in our submission in September 2016 on the *Telecommunications Act Review: Options Paper*, the TCF supports the concept of a code and believes the industry is best placed to draft this, and would do so in accordance with its existing rules<sup>2</sup>.

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<sup>1</sup> Except for Trustpower which does not support the submission.

<sup>2</sup> The TCF Rules provide that 100% agreement is required for regulated codes, and that interested stakeholders are able to participate in working party meetings.

We consider that the Act should have provision for the TCF to have the opportunity to produce a code in the first instance. The TCF is in a unique position to work collaboratively with the industry to develop such a code, including resolving technical and consumer related issues. A TCF-led code would include minimum standards, including the consumer requirements contained in the Discussion Paper, as well as other practical measures considered necessary by the industry. The code could be prepared by the TCF well in advance of 2020.

The wording in the Act in relation to the code could be drafted in similar terms to that contained in Schedule 2 of the Telecommunications Act in relation to Telecommunications Access Codes. There could be allowance for input from the Commission where the industry was unable to reach agreement within a mandated timeframe.

The TCF has considerable experience developing codes for circumstances such as this, and is well placed to ensure that any code is complementary to other codes of practice already in place. Examples of Codes developed by the industry include the regulated local and mobile number portability codes which were developed by the industry, with some input from the Commission where the industry was unable to reach agreement. In addition, the TCF developed the Regulated Customer Transfer Code. The TCF is currently developing codes relating to fibre services which improve the consumer experience, for example a Vulnerable End-User code which will ensure that the industry has processes in place to support end-users who have a significant reliance of continued broadband services for health or security reasons.

Overall, the TCF supports the concept of a copper withdrawal code but believes the Act should allow the TCF the opportunity to draft this code in the first instance.

Individual members will be making their own submissions on aspects of the Discussion Paper that are of particular importance to them.

Please contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Thorn', followed by a horizontal line.

**Geoff Thorn**  
**Chief Executive Officer**  
**New Zealand Telecommunications Forum (TCF)**

## **Contact**

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