

# ISPANZ *update*

May 2007

## ISPANZ files submission on Telecom structural separation plan

In May ISPANZ filed a submission in response to Telecom's alternative proposal to the MED's operational separation plan. ISPANZ again made clear to the MED that its priorities in telecommunications reform are for Local Loop Unbundling and Unbundled Bitstream Access, and expressed support for the current processes.

Telecom tied its structural separation offer to a weakening of the equivalence requirements, a departure from the British Telecom three-way split model and increased wholesale pricing. Telecom also made investment arguments that appeared to ignore all the work done on the issue over the past few years, and competitors willingness to invest.

ISPANZ doesn't want to re-litigate telecommunications reform, as Telecom's proposal requires, but does not count out structural separation down the track if it can be fitted within the legislation.

## Telecommunications Disputes Resolution Scheme and Customer Complaints Code

*Letter from the TCF*

As ISPANZ members already know from a letter in January, the Tele-communications Carriers' Forum is developing the Telecommunications Disputes Resolution Scheme and Customer Complaints Code. The TCF has been increasing activity on this project in the last few months, and provides this update on its progress and further invitation to join the Scheme to ensure your organisation is represented.

By joining the TCF Scheme, you commit in principle to a finalised scheme that has wide support, including from user groups, and over which the membership and user groups have appropriately balanced governance control. The alternative to this TCF initiative will be a regulated scheme developed by the Government.

### Background

The Code governs the handling of customer complaints by service providers directly with their customers and also sets out the principles and rules to be followed in dealing with disputes relating to customers' telecommunications services that cannot be resolved through their service provider's internal procedures.

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### ISPANZ AGM date set

The date of the ISPANZ AGM 2007 has been set as August 16 in Wellington. Please diarise now. Further details will follow the formal announcement.

### Feedback sought on ISP Spam Code of Practice

The ISP Spam Code of Practice has been released for public consultation. The Government is expecting self-regulation in this area and this Code is the result of a working party that includes InternetNZ, TCF and the Marketing Association.

Four weeks have been allowed for comment to be received, with a deadline of 9am Monday 18 June.

The ISP Spam Code of Practice is complementary to the Government's Unsolicited Electronic Messages Act in that it outlines the responsibilities of ISPs under a self-regulatory model. This was anticipated in the passing of the Act. It is planned that the Code will go live on the same date as the Act of 5 September 2007.

It is also complementary to the Marketing Association's Code of Practice for Direct Marketing, the TCF's SMS Anti-Spam Code and the TCF's Customer Complaints Code.

The Code can be found at: [www.internetnz.net.nz/current-issues/anti-spam](http://www.internetnz.net.nz/current-issues/anti-spam)

# Telecom peering proposal expected end of June

*Jamie Baddeley reports*

As members know, ISPANZ provided feedback to Telecom's interconnect proposals on the May 26. On the June 1 Telecom held a wholesale customer-wide presentation on its plans for the NGN.

During this presentation, peering was discussed. Telecom have changed from calling it local interconnect to calling it peering due to customers saying "get over yourself Telecom, call it peering - that's what it is".

During this presentation Telecom highlighted key concerns of ISPs: Differing between Service Provider/Content Provider; Being on or near the APE/WIX; 2 unidirectional circuits as not practical; Multiple aggregation sites in Auckland, Wellington, and Christchurch.

Having said that, there seems to be more common ground than differences. However, Telecom has yet to reveal its take on our response on the need to aggregate some exchanges together.

Since that meeting we've been approached by Telecom for a formal proposal to the ISPANZ executive and members on June 29, with a planned re-peering date of March 2008. Any interested members should make their way to Auckland. I'll announce details as they come to hand.

The dispute resolution scheme will be primarily run by an independent Scheme Agent who will report to a governing Council, which will have fifty percent consumer and fifty percent industry representation. The Scheme will be open to all service providers who provide tele-communication services to consumers; they do not need to be a member of the TCF to join the Scheme. The Code and Scheme Terms of Reference are available on the TCF website at <http://tcf.org.nz/outputs/?doc=f>.

## Project status

The TCF is keen to have the Scheme implemented as soon as possible and has been undertaking a number of work streams in parallel to help achieve this. Dispute Resolution Services has been selected as the Scheme Agent and the objective of having the Scheme operational by no later than the last quarter of this calendar year, and preferably earlier.

Letters of intent to become a member of the Scheme have already been received from CallPlus, ihug, Kordia, Orcon Internet, Telecom New Zealand, TelstraClear, Vector Communications, Vodafone New Zealand, and WorldxChange. An interim Scheme governing Council has now been formed with Merv Altmants appointed as the interim Chair. Merv will act in this role until the Scheme is formally established and a new election will then be held.

The interim Council's consumer representatives were appointed in February and March 2007. Bill Bevan (Whitireia Community Law Centre), Patrick Hanley (Association of NGO's of Aotearoa), and Merv Altmants were appointed by a selection panel comprised of representatives from the Consumers' Institute and TUANZ. The fourth consumer representative appointed by the Ministry of Consumer Affairs is Shelley Dew-Hopkins (President of Manawatu Rangitikei Federated Farmers (Inc)).

Also in March, the industry representatives were appointed to the interim Council: Laura Chamberlain (Vodafone), Toni Rasmussen (TelstraClear), Tania Shackleton (Telecom), and Scott Bartlett (industry representative for all other industry members). ISPANZ members not already represented by one of the TCF's Tier One members noted above would be represented by Scott Bartlett, who is already familiar to you as Vice President of ISPANZ.

## How to join the Scheme

If you are a service provider interested in becoming a member of the Scheme, you simply need to sign a brief form recording your agreement in principle to become a Scheme Member and to support the Code. For more information or to join, contact the TCF Forum Administrator Susan Wells at [susan.wells@organisers.co.nz](mailto:susan.wells@organisers.co.nz) or 021 735 484.

If you have any queries on the information above or actions for ISPANZ to consider please contact the directors individually, or jointly at [directors@ispanz.org.nz](mailto:directors@ispanz.org.nz)

