



Richard Westlake

Foreword from the Independent Chairperson

Now into its eighth year of operation, the TCF continues to be acknowledged as one of New Zealand's most influential, respected, and collaborative industry bodies. This, in my mind, is a testament to the calibre, commitment, and depth of experience of the TCF's members, administrators, and my associates on the Board.

The last 12 months have been challenging ones for every sector and organisation nation-wide, regardless of their mandate – be it commercial or community-focused.

The telecommunications industry, as with others that are critical to the country's infrastructure, has in many respects encountered more challenges than most. Working in an environment of ever-increasing public scrutiny, consumer awareness, and commercial competitiveness, the industry strives to maximise its present-day capabilities. At the same time it needs to ensure it is both future-focused and fully-equipped to position New Zealand among those countries acknowledged worldwide for their commitment to telecommunications best practice.

The TCF's lead involvement with industry-critical initiatives during its 2009/10 reporting year has once again positioned us at the forefront of a number of challenging issues. Included among these has been the imperative for a reliable and robust emergency calling service; a telecommunications service obligation (TSO) that is in step with today's technology and competitive landscape; and developing industry-appropriate solutions to the government's highly-publicised rollout of ultra-fast broadband access to prioritised users such as businesses, schools, and health providers.

My confidence in the TCF's commitment to such challenges is due to the dedication of its many stakeholders, led by one of the industry's most experienced figures, David Stone, our Chief Executive.

A Board member since 2007, David was appointed Chief Executive in November 2009. His contribution has already been significant. I have been delighted to welcome him to this key position, and on behalf of our members and Board colleagues, I thank him for his early efforts as evidenced throughout this year's Annual Report.

This Report, the first to be fully aligned with the April-to-March tax year, chronicles TCF's achievements, work-in-progress, and key milestones since the release of the last report. In my capacity as Independent Chair, I take a deep interest in reviewing the results of the year's activity. I hope that you, too, find the Report to be both interesting and informative.

Telecommunications is a sector characterised by rapid change, technical innovation, and passion.

Long may this continue.

Richard Westlake

Independent Chairperson Telecommunications Carriers' Forum



David Stone

Chief Executive's Summary

This is my first TCF Annual Report as CEO, and the past nine months have gone past more rapidly than I care to think about. Surely this is an indication of how extremely busy we have been, and a reflection on the number of significant outputs we have delivered.

We continue to be regarded by the Minister for Communications and Information Technology the Telecommunications Commissioner, and the Ministry of Economic Development, as the industry body to whom they come for delivery of industry consensus on a range of issues of common interest.

The focus of this report is the 12 months up to 31 March 2010, during which I held the role of CEO for only 4 months. They were, nonetheless, four extremely busy months.

The largest activity undertaken was the formation of the Ultra Fast Broadband (UFB) Working Party to develop standards associated with the UFB initiative. This was in response to a ministerial request for the TCF, as industry representative, to prepare the standards for input into the tender process run by the government entity Crown Fibre Holdings. The TCF approved the formation of the working party in early December 2009 and it met for the first time just before Christmas. By the end of this reporting year, the Working Party had reached full steam and completed a vast amount of work.

Other activities undertaken during the year in review included:

- development of community engagement guidelines for the deployment of new wireless telecommunications infrastructures
- work on developing a trusted mobile payment framework similar to the UK's Payforit system
- completion of the Emergency Services Calling Code
- completion of the Premises Wiring Code
- development of a common position in response to government proposals for reform of the TSO
- further activity in relation to section 92A of the Copyright Act, and the development of New Zealand's position on the Anti-Counterfeiting Trade Agreement (ACTA)
- continuing review of the Customer Transfer Codes
- managing a number of issues that arose with the operation of the Telecommunications
 Dispute Resolution Scheme
- work on bringing the management of numbering (currently undertaken by the Number Administration Deed (NAD)) under the TCF framework
- continue engagement with our Australian counterparts at Communications Alliance, as we strengthen our international relationships.

Each of these activities was accomplished in addition to the TCF's ongoing work on Standard Terms Determinations, and to our attention to continuing the seamless delivery of number portability.

I have sought to ensure that the activities of the TCF are known to as many people as possible, and have, in particular, implemented regular bi-monthly briefings with most TCF-member CEOs. I have written a number of opinion pieces, and have accepted a number of speaking engagements aimed at raising the profile of the TCF.

Looking ahead to the remainder of 2010, there is still considerable work to be done to complete the UFB Standards. We have reactivated the IP Interconnection Working Party, which is in full swing, as is reform of the TDR services, and indeed the TCF itself.

As I mentioned in my introductory sentence, we clearly have a lot going on—and at a high level of activity, very little risk of becoming bored! I am having fun and I hope that those of you involved with TCF activities are enjoying meeting our challenges as well.

We have a lot to accomplish in the coming year, but we will always bear in mind that the work we do is important, well-regarded and very rewarding.

David Stone

Chief Executive Officer
Telecommunications Carriers' Forum



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Profiling the TCF



A vital role

The Telecommunications Carriers' Forum (TCF) plays a vital role in the New Zealand telecommunications industry, collaboratively developing key industry standards and codes of practice that underpin the country's digital economy.

Established in 2002, the TCF is a registered incorporated society. Our objective is to actively foster cooperation among the telecommunications industry's participants, to enable the efficient provision of regulated and non-regulated telecommunications services.

We work with industry participants and government agencies to actively foster cooperation between both. We work within the telecommunications industry to efficiently resolve regulatory, technical and policy issues, and provide a bridge to government with the results. We offer an expert, informed, and commercially-focused forum to debate problems, and to devise and implement practical, efficient, consensual solutions that enable competition to flourish.

The TCF's governing Board is headed by an Independent Chair, with our operations being led and supported by our Chief Executive and Forum Administrator respectively. Our membership, comprising three tiers and numbering 12 members, features the country's telecommunications carriers and service providers.

Unless agreed by our Board, the TCF does not take a representational role in any public or policy debate. We do, however, facilitate dialogue on industry issues of common interest.

Industry specialist at the helm

David Stone was welcomed to the position of Chief Executive in November 2009.

On David's appointment, TCF Independent Chair Richard Westlake spoke of the benefits to the TCF of having a recognised industry specialist at the helm. Previously Vodafone New Zealand's Head of Industry Affairs, and a TCF Board member of 2 years' standing, David's industry experience spans more than a decade, commencing with his time at CLEAR Communications Ltd.

Streamlining: strategy and constitution review

A strategy and governance review of the TCF, initiated during the 2007/2008 reporting year, continues to yield results. Participants have included TCF members, representatives of the Commerce Commission (including the Telecommunications Commissioner), the Telecommunications Users Association of New Zealand (TUANZ), and the Ministry of Economic Development (MED).

A series of interviews and workshops were conducted with TCF members, to re-design and improve the organisation's governance and operation, and to review its scope, purpose, and strategic direction. As a result, 34 key recommendations were developed and submitted to the TCF Board for pre-implementation review and approval.

In the process of incorporating the review's recommendations, a re-drafted constitution was prepared.

One early result of the review was the aligning of the TCF's financial year with the tax year, which streamlined our administrative procedures. This, the 2009/10 Annual Report, is the first for the full year as realigned: 1 April 2009 to 31 March 2010.

Other recent governance-related activity includes the 2010 completion of updated versions of the Telecommunications Carriers' Forum Operating Procedures Manual (the 'Handbook') and the Telecommunications Carriers' Forum Rules of Association (the 'Rules').

Changes to the Handbook and Rules have been made to capture the role of the CEO (as the TCF did not initially have a CEO), clarify the role of working parties, improve some of our processes, and to recognise that parties to the number portability determination are Numbering Members of the TCF.

The TCF website **www.tcf.org.nz** is regularly updated and provides year-round access to media releases, member representation, and progress on core activity including working party milestones and code-specific submissions and consultation processes.

Monthly releases of *Broadsheet* can be accessed from our homepage – which also features a calendar of TCF activities and links to industry-specific websites. Previous annual reports and profiles of current TCF Board members can be viewed on the site. The Project Status Report webpage charts TCF progress on a range of key activities. Also featured on the site are ongoing updates on number portability.

Website visitors can register for emailed delivery of media releases and each monthly release of our *Broadsheet*.

Key Players in the TCF



TCF Board

>> Richard Westlake (Independent Chair)

Richard is Director of Westlake Consulting Limited, a leading advisor in organisational governance, strategy, and structure. In recent years, he has completed significant consulting assignments in the ICT sector, both locally and internationally. An independent director of Kiwibank since its establishment, and the first independent director of software company Intergen Limited, Richard also chairs the Standards Council of New Zealand, and has previously been establishment chair for two state-owned enterprises: MetService and Quotable Value.

>> **Graham Walmsley**, CallPlus (Group Member Representative for Tier 2 Members)

Graham, General Manager of Wholesale and Regulatory at CallPlus, has been a TCF Board member since 2007. He has many years of telecommunications industry experience, having formerly held the positions of Head of Business Marketing for Telecom and Chief Information Officer for CLEAR Communications. Previous roles also include Marketing Manager for Countrywide Bank, and CEO for Diners Club International.

>> Susie Stone, Kordia (Group Member Representative for Tier 2 and 3 Members)

Susie is Kordia Group's General Manager: Strategic Development, and is responsible for strategic business development, commercial affairs, government relations, and regulatory policy. She previously held the position of General Manager of Network Solutions, CLEAR Communications, with responsibility for local access, data, messaging, and call centre solutions. Susie's background features entrepreneurial, business development, regulatory policy, and technology experience across a variety of sectors, including government, IT, telecommunications, and broadcasting.

>> John Wesley-Smith, Telecom

John is Telecom's Head of Public Policy and Regulatory Affairs. He is responsible for managing the company's relationships with, and submissions to, the Commerce Commission, as well as Telecom's input into industry and government-led public policy processes. He has previously held a number of roles within Telecom's Government and Industry Relations team. Prior to joining the company in 2004, John was with law partnership Russell McVeagh for three years, during which he specialised in commercial and financial law.

>> Chris Abbott, TelstraClear

Chris has held the position of TelstraClear's Group Manager: Regulatory since September 2006. He has considerable experience in telecommunications regulation. Prior to joining TelstraClear, he held the role of Chief Advisor at the Commerce Commission. Chris has previously held a number of roles with American International Group (AIG), both in the United Kingdom and New Zealand.



















Top L-R:
Richard Westlake,
Graham Walmsley,
Susie Stone,
John Wesley-Smith,
Chris Abbott
Bottom L-R:
Hayden Glass

Hayden Glass, Ernie Newman, David Stone, Susan Wells

>> Hayden Glass, Vodafone

Hayden is Vodafone's Head of Public Policy, having rejoined the team after two years as Head of Marketing Strategy. His recent years have been spent in telecommunications, having formerly been devoted to issues in regulatory economics. Hayden has also held roles in government policy-making and law.

>> Ernie Newman, TUANZ (non-voting representative)

Since 1999, Ernie has held the position of Chief Executive of the Telecommunications Users Association of New Zealand (TUANZ). He represents TUANZ with several organisations, including the TCF and the Number Administration Deed. A Board member of the International Telecommunications Users Group (INTUG), Ernie was its Chairman from 2002 to 2005. He is a regular participant in APECTel (the telecommunications and IT working group of Asia-Pacific Economic Cooperation (APEC)).

TCF Operations

>> David Stone, Chief Executive

David's career has spanned both new-entrant-challenger and established businesses, giving him a uniquely balanced understanding of the New Zealand telecommunications industry. David began his working life as an exploration geologist, before practising law in New Zealand, England, and Australia. His most recent position was that of Vodafone New Zealand's Head of Industry Affairs, during which he represented the company on several industry bodies. His Vodafone achievements included development of the company's wholesale capability, and the sign-up and market-entry of its first wholesale mobile customers.





Forum Administration

ONZL's Susan Wells, Helen Knox, Jackie Clark, Clare Dobson and Elna Meller are the Forum Administrators. Having held this responsibility since May 2006, ONZL provides professional and secretariat support to the TCF Board and working parties, programme management, and assistance with the drafting of codes and preparation of submissions.

>> Peter Harris Chair of the Ultra Fast Broadband (UFB) Working Party

Peter is Managing Director of BLUESKiES Group Limited, and currently holds directorships with PRPA Limited and IGNITE Building Consultancy. His career spans over 20 years in the property, construction, and management consulting fields. Peter has provided project leadership capabilities for a range of organisations and businesses, including Air New Zealand, Goodman International, and Standards New Zealand. He has provided business governance and facilitation support to institutions and bodies such as the Christchurch Polytechnic Institute of Technology and the Canterbury Employers' Chamber of Commerce.

TCF Members

The TCF has a three-tier membership structure comprised of New Zealand telecommunications carriers. Tier 1 members each hold a seat on the Board, with Tier 2 and Tier 3 members jointly holding two Board seats.

Tier 1 Members:



Telecom

John Wesley-Smith



TelstraClear

Chris Abbott



Vodafone

Hayden Glass

Tier 2 Members:



CallPlus Graham Walmsley



Compass Communications Mark Frater



Kordia Susie Stone



Woosh Wireless Darin Hutcheson



WorldxChange Communications Paul Clarkin

Tier 3 Members



BayCity Communications Tony Baird



FX Networks John Van Dinther



TrustPower Peter Gregory



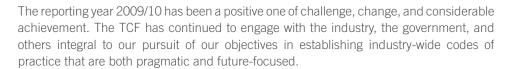
Vector Communications Aaron Webb



Notes

- 2degrees Mobile rejoined the TCF as a Tier 2 Member in July 2010.
- Northpower joined the TCF as a Tier 3 Member in September 2010.
- The Farmside logo is the preferred logo of BayCity Communications.
- Tony Baird was replaced by Ron Goodfellow in June 2010.

Future-Proofing, Frameworks, and Community Engagement: Key Successes for 2009



Under the leadership of our Chief Executive David Stone, new codes have been endorsed, the second year of the TDR Scheme was celebrated, and the accelerating pace at which numbers are being ported nation-wide, month after month, continues to be monitored.

As the reporting year has drawn to a close, the TCF looks to the new year with a reputation for achievement, confidence in our abilities – both strategic and tactical – and ongoing involvement with a range of initiatives important to our industry members.

New wireless telecommunications facilities: engaging early with potentially-affected communities

At the end of 2009 TCF endorsed the Guidelines for Undertaking Community Engagement for Wireless Telecommunications Facilities. They have since become available for wireless network operators to commit to as part of their network rollouts. The Guidelines standardise the industry approach to engaging with communities when upgrading existing, or building new, mobile phone sites in residential areas.

The TCF endorsed the Guidelines as a way of setting a minimum standard of communications and engagement across all wireless network operators.

Developed in consultation with central and local governments and with the public, the Guidelines were the result of the commitment and work by wireless network operators Kordia, Telecom, Vodafone, and Woosh.

Outlining how network operators should approach the public when constructing wireless networks in residential areas, the Guidelines encourage operators to engage with local communities early in the planning process, and assist with addressing any communitybased concerns through the timely provision of information.

While the majority of operators already undertake engagement with local communities, these Guidelines will encourage a more consistent and comprehensive approach to these important communications. In particular, they will ensure that communities hear at an earlier stage of the process of plans that may impact on their areas. Anyone interested in obtaining further information can then approach the operators in the early phase of developmental activity.

Telecom's Paul Leslie:

"The guidelines will ensure that communities hear about our plans for new sites when we *begin* the approvals process with councils rather than a few weeks prior to building the site, as has sometimes been the case to date."



Information reporting and benchmarking: identifying opportunities for improvement

Various national and international organisations routinely prepare telecommunications market or economic summaries requiring detailed information from New Zealand's carriers and service providers; benchmarking reports are also sometimes prepared.

Two such entities—the OECD and Statistics New Zealand—typically prepare a list of information requirements that are forwarded either directly to the carriers, or to the MED. The MED in turn forwards them to the carriers for completion.

To date, however, there has not been a mechanism in place for managing or coordinating this information-gathering across the telecommunications industry. There has not been a mechanism for ensuring that such requests achieve responses from all relevant parties, and that they achieve those responses in a manner consistent among all carriers.

In an effort to address this, the TCF Board has approved an extension to the scope of its Information Reporting Working Party to include the development of alternative benchmarking proposals that could be presented to the Commerce Commission as suggested improvements to mechanisms already being utilised.

The Working Party was first established to investigate the coordinating of responses to multi-carrier information requests from organisations such as the two already mentioned: Statistics New Zealand and the OECD.

A set of industry statistics was subsequently developed and published, via a consolidated questionnaire. This was achieved without compromising the commercial confidentiality of contributing carriers. Organisations such as the International Telecommunication Union (ITU) and the OECD are able to access these statistics for the purposes of their own international comparisons.

Broadband performance monitoring and validity of comparisons

Another recent area of focus for the Information Reporting Working Party has been to address concerns that members had raised in relation to the methodology being used for broadband performance monitoring, and to the resulting robustness of the data being collected and reported. This has involved engaging with the Commerce Commission on improving broadband performance monitoring, as well as on identifying issues causing concern with existing monitoring processes.

International pricing comparisons are a standing feature of the Commission's reports on the local telecommunications market. They allow the Commission to benchmark the cost of New Zealand telecommunications services, and to comment on the value-for-money the country's users receive, relative to the rest of the developed world. When preparing the figures, the Commission adopts the comparison tools produced by UK-based industry





research specialists Teligen methods developed specifically for the purposes of pricing comparisons between OECD countries.

TCF members believe there is room for improvement as to the basis on which the benchmarking is currently being conducted in relation to New Zealand's telecommunications industry.

In the coming year, the Working Party will be undertaking a detailed analysis into Teligen's two methodologies. The intention is to identify areas that can be improved upon, to ensure the results obtained are more representative of New Zealand usage, and to be able to engage with the Commission on any suggested or subsequent improvements to the benchmarking.

Extending relationships

Core to TCF's purpose is the ongoing development of close relationships with, and within, the country's telecommunications industry. Extending the reach of these relationships to the benefit of the many industry-related representatives, stakeholders, and other interested parties, is integral to the TCF's achievement of its ongoing objectives.

Update on engagement with local government

The Local Government Working Party is establishing a series of principles with a focus on standards for telecommunications infrastructure in new subdivisions. The catalyst for this particular activity was a number of enquiries from local government as to whether the TCF had an agreed position on minimum standards.

Historically, councils have had little involvement in the development and maintenance of telecommunications infrastructure. Recently, council participation in telecommunications-related rollouts has become more prominent and the TCF recognised the need to develop ongoing and mutually beneficial relationships with local government.

In addition to its primary intention of providing a mechanism for the industry and local government to engage with each other, the Local Government Working Party enables TCF members to discuss local government issues, particularly with Local Government New Zealand, and to coordinate any related activity of common interest.

Core infrastructure

Broadband is now being promoted as being 'core infrastructure' at a local level. Therefore the relationship between the telecommunications and local government sectors is more complex, and more critical, than has been the case previously.

In addition to the engagement activity described above, the Local Government Working Party has delivered the following:

 Broadband-Friendly Protocols: guided by a series of principles based on a mutual understanding of how local government and the telecommunications sector can work together more effectively • Community Engagement Guidelines: as previously described, these were developed by the TCF to help wireless network operators standardise their approach to engaging with communities, and to assist with addressing community-based concerns.

Payment by mobile: introducing a trusted framework

The Trusted Mobile Framework Working Party is now into its second year of activity. Its key objective is a review of the UK's Trusted Mobile Payment Framework (TMPF) initiative, with a view to adapting the framework to meet New Zealand industry and regulatory requirements. The TMPF was developed by the UK's Licensed Mobile Network Operators. Other countries such as Australia, Ireland and France are also looking at the scheme.

The Working Party's mandate is also to review the potential for New Zealand to adopt the UK-originated Payforit brand which is an essential part of the TMPF, and which assists with consumer recognition and trust in the framework itself. The Working Party's project scope is to develop a framework suited to New Zealand for promoting a safe and trustworthy environment in which mobile phone users can purchase goods and services by charging the associated costs to their mobile phone accounts.

New Zealand's consumers are increasingly using mobile service offerings as a regular form of entertainment. The availability of higher-end smart devices, and the rise of mobile internet usage, have resulted in customers increasingly using WAP services to access mobile content and information services.

A uniform user experience

While the current management of mobile premium services is working reasonably effectively, it is evident that the public still has concerns over misleading advertising and inappropriate use of Mobile Premium Messaging Services. This, in turn, is undermining end-user confidence in the market.

The UK's Payforit scheme is governed by a set of standards defined within the TMPF. Their framework allows mobile phone users to purchase goods and services from content retailers (the merchants), with the relevant charges being charged to their mobile phone account.

By proactively adopting a New Zealand-appropriate Payforit scheme, it is anticipated that the country's mobile network operators would be acknowledged as being responsible corporate citizens, and mitigate any regulatory response by government. Once successfully introduced, New Zealand's scheme is intended to ensure a consistent, transparent, and userfriendly payment experience for consumers. The TCF anticipates this will encourage consumer confidence in paying by mobile—generating repeat business and growth in conversion rates for merchants.



Ensuring Reliability and Taking the Lead: Codifying Industry Practice



In consultation with our working parties, the TCF prepares telecommunications access codes for approval by the Commerce Commission, in accordance with the Telecommunications Act 2001. We also prepare other telecommunications codes, and facilitate dialogue on industry issues of common interest.

As at June 2010, ten codes are in effect. Developing new codes of practice, and reviewing the content and operation of existing codes, has continued to form the core of TCF's 2009/10 activities, and to guide much of our efforts.

Codes of practice help both the telecommunications industry and users by standardising practices, particularly in the area of rights and responsibilities, and encouraging marketplace competition.

All existing codes are featured on the TCF website, along with the signatories to each.

Emergency Services Calling Code

The Emergency Services Calling Code was endorsed by the TCF Board in November 2009. As at 30 June 2010, the following parties have signed up to the Emergency Services Calling Code: 2degrees Mobile, CallPlus, Kordia, Orcon, Telecom, TelstraClear, and Vodafone. All TCF members recognise the importance of managing 111 calls, and their shared responsibility in ensuring that 111 emergency calls are connected as required.

A voluntary Code, it presents standards for ensuring that 111 calls to emergency services are reliably delivered and it provides the public with reassurance of a responsible industry approach to emergency services. Introducing agreed minimum standards for managing 111 calls by telecommunications service providers, the Code includes service-performance and customer-information standards for emergency calls. It applies to mobile and landline services, as well as to calls made from public payphones.

The Code is the result of a ministerial approach to the TCF in 2007. The TCF was asked to consider developing a code of practice for emergency services (VoIP and analogue) in support of the following five areas: consistent availability of services; uniformity in access numbering and dialling; caller line identification (number and location); service quality and reliability levels; and call routing protocols.

Premises Wiring Code

One of the TCF's most recent successes is the Premises Wiring Code of Practice. It was endorsed by the Board in February 2010 and is intended to future-proof the communications wiring in residential and small office buildings. The TCF anticipates that professional installers, such as electricians and satellite service companies, will voluntarily adopt the Code.

The Code presents the principles and practices for planning, installing, and maintaining premises wiring, and aims to be able to meet the future communication and entertainment needs of the modern "intelligent home". It establishes minimum requirements, acceptable practices, verification and qualification testing, and compliance certification.

The Working Party designed the Code to provide a single unified reference for providing platforms capable of delivering next-generation products and services within New Zealand homes and businesses, including fibre to the premises (FTTP).

With the progress on development of the government's ultra-fast broadband (UFB) initiative, the Code has assumed an additional dimension of importance. The aim of the highly-publicised initiative is to provide UFB services to 75% of New Zealanders within the next 10 years.

The Premises Wiring Working Party is planning a communication program to publicise the Code's key specifications and requirements to relevant sectors such as property developers, electricians, electrical wholesalers and cable installers.

Telecommunications service obligations: supporting the vision

The government essentially confirmed in March 2010 its 2009 intentions towards funding the local service telecommunications service obligation (TSO).

The telecommunications service obligation (TSO) is a mechanism for ensuring the widespread availability of a standard residential telephone service. Funded through an industry levy, the TSO was initiated nearly a decade ago.

Following the release of a government discussion document on the future of the TSO in September 2009, the TCF reactivated the TSO-Local Service Working Party to develop an industry-agreed approach on TSO policy. It released a report on the on the local service TSO, and submitted its recommendations to the government.

The TCF proposed a number of potentially significant reforms to the existing TSO arrangements. The TCF recommended that, given major changes to competition and technology in the years since its inception,

The TCF is recognised by the government and the Commerce Commission as being the "Telecommunications Industry Forum" referred to in the Telecommunications Act 2001.

We take the lead role in the development of industry codes of practice: both "regulated" and "non-regulated". There is an important distinction between the two types.

Our statutory (legislativelyprescribed) role revolves around the production of codes of practice relating to regulated services, which, once approved by the Commission, become binding on all parties to whom they relate. Within the TCF, these codes are referred to as "regulated codes". An example of one such code is the Customer Transfer Code.

In recent years, the TCF has also produced a number of codes that do not fall under the scheme of the Telecommunications Act.

Variously referred to as "voluntary" or "self-regulated" codes, these codes, strictly speaking, are "non-regulated" codes. A "non-regulated" code is binding on its signatories, who are subject to code-specific compliance and enforcement procedures. The Emergency Calling Code and Customer Complaints Code are examples of "non-regulated" codes.





In September 2009, following its own review the government proposed to introduce a new \$50 million per year industry levy: the Telecommunications Development Levy (TDL). The intention was for the levy to be a source for subsidising existing TSO services such as the Deaf Relay Service, and for funding fast broadband access to rural communities.

Helping to drive demand

The fund as proposed was to be a 'contestable fund'. Existing local service TSO obligations would not be affected. The methodology, however, for calculating the cost of the TSO would change; the levy to fund the local service TSO was expected to reduce to zero for the foreseeable future.

Once again, the TCF led the related policy debate and supported the vision of extending broadband to the country's rural areas. The TCF also communicated to the government that:

- in order to achieve its policy objectives, government investment in infrastructure needed to be complemented by substantive investment in demand-side capability—an important and outstanding issue still requiring attention
- the TSO needs to take a technology-neutral approach, permitting any technology
 proposal that achieves the desired bandwidth speeds; satellite was a realistic option for
 providing broadband access to the most difficult-to-service schools
- the TSO's economic and social objectives are best funded by central government.
 Extending broadband access to outer rural areas benefits both the economy and society
 as a whole. There are strong policy-oriented arguments for funding rural broadband
 from general taxation, rather than by levying the industry. If the proposed levy was
 retained, it should at least be broadened to capture the wider group of services over the
 funded infrastructure.

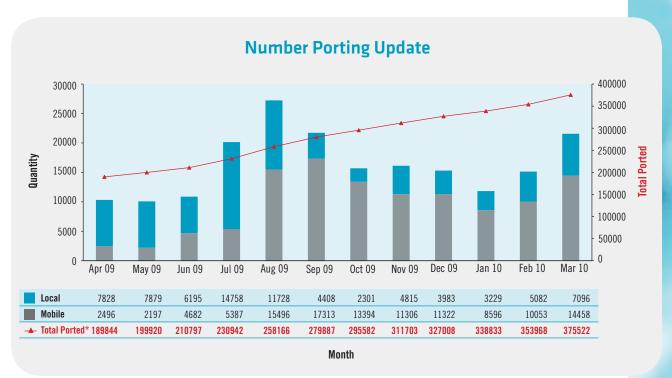
In the TCF's view, the current design of the TDL effectively burdens industry with the cost of funding a government policy. The TCF recognises that it is unlikely that the industry could absorb the entire cost of the levy; ultimately the cost is likely to be worn by end-user customers in some way. At a minimum, a consumer levy would provide a more transparent way of setting and recovering the industry cost—particularly where the costs of the industry levy are likely to be passed on to consumers in some form.

Number portability: throwing out the record books

The successful launch of local and mobile number portability (LMNP) over three years ago has been recognised as a milestone for both telecommunications users and the industry.

Uptake continued steadily throughout 2009, and in September the TCF announced that a record number of mobile telephone numbers had been ported during the previous month: almost 15,500. The TCF characterised August 2009 as the month that we threw out the record books.





* The total ported figure relates to the cumulative total since porting commenced in April 2007.

Porting volumes had increased so dramatically by August that the number of mobile portings alone was triple the July record. Approximately 12,000 local numbers were also ported.

By September, ported numbers in New Zealand had totalled a quarter of a million. Total ported numbers well exceeded expectations: 327,000 were ported by year-end.

Submissions

One of the TCF's roles is to represent the telecommunications industry as a whole. Part of this representational role involves making submissions to the government on behalf of industry.

Richard Westlake said that the August record related in part to the then-recent introduction of widely-publicised new products and services in the market.

He said, "I would also like to acknowledge two of our members, Telecom and Vodafone, who stepped in to help with the sudden increase in volumes by offering other providers manual workarounds allowing mobile ports to occur seamlessly, without impacting on customers."

Submissions made in 2009/10 include:

- submission to the government in response to the MED's section 92A (Copyright Act 1994) proposal
- submission to the government on TSO reform and the Rural Broadband Initiative (RBI)
- the Information Reporting (Broadband Performance Monitoring) Working Party Submission on the Commerce Commission draft Report on New Zealand Broadband Quality
- submission to the government on the Anti-Counterfeiting Trade Agreement Proposals (ACTA).

From Mobile Messaging to UFB: Work-In-Progress 2010



Ultra Fast Broadband (UFB)

The UFB Working Party is progressing well with the developing of industry standards for UFB, with a high level of commitment from all its members. Peter Harris was appointed working party Chair in April 2010.

The Working Party will work in consultation with the government entity Crown Fibre Holdings (CFH) to prepare standards on product, technical, and operational matters on which a collaborative industry-developed solution is desirable. Its governance structure includes the establishing of a TCF UFB Steering Group, which is to act as an umbrella overseeing all streams of work under the TCF's programme of UFB activity.

The UFB Working Party was initiated to support the current government's highly-publicised UFB initiative. Key to the government's broader strategy of increasing New Zealand's global competitiveness, it has communicated its objective of investing in UFB to accelerate the rollout of ultra-fast broadband to 75% of New Zealanders over 10 years.

The focus of the initiative will, for the first 6 years, be on priority broadband-users such as businesses, schools, and health services. Greenfield developments (creation of planned communities on undeveloped land) and certain tranches of residential areas will also be included in the first of the user-groups to be given attention.

CFH is now a regular member of the UFB Working Party and has provided valuable information and guidance on architecture and design for the development of the UFB standards.

Mobile premium and non-premium messaging services

The Mobile Messaging Services Working Party is nearing completion of its guidelines for non-premium mobile messaging. The guidelines are to be incorporated with the existing guidelines for premium mobile messaging, to create a new code covering both categories.

The self-regulated Mobile Premium Messaging Code, endorsed in 2008, has provided standards for telecommunication service providers, content service providers, and content providers. It is reviewed periodically to ensure it remains current with the introduction to market of new services.

Last August, a working party was established to scope a code for Non-Premium SMS, and to simultaneously review the Mobile Premium Messaging Services Code to assess whether any changes were required.

Feedback from TCF members on the Code acknowledged that customers, and the industry itself, would benefit from a self-regulated industry code of conduct providing stronger and clearer guidelines on the running of Non-Premium rate services, in addition to Premium Rate messaging services.

As a result of the working party's review, it was agreed to create a single code: the Mobile Messaging Services Code which would cover both Mobile Non-Premium and Premium Messaging Services.

Section 92A of the Copyright Act and the ACTA

In December 2009, the TCF welcomed a revised proposal on section 92A of the Copyright Act 1994 as released by the Minister of Commerce. The TCF had raised concerns that earlier versions of the proposal were not workable, and that they placed unacceptable burdens on internet service providers (ISPs).

In particular, the previously proposed section 92A did not take into account the significant costs that would be imposed on ISPs to adapt systems and set up processes to comply with requirements relating to passing on notices to alleged infringers, and for ISPs to act as 'judge and jury' in determining whether to terminate an internet user's account.

The proposal now recognises the cost ISPs will bear in this process, and that they will receive a per-notice fee towards the administration costs of issuing notices. The proposal retains the role of ISPs as purely conduits, and introduces of a Copyright Tribunal into the process.

More attention

The Copyright Policy Working Party was established in July 2009 in response to the MED's proposed amendments to section 92A. The TCF was acknowledged to be a key stakeholder.

The Working Party aim is to ensure a collaborative approach to, and unified voice in, reviewing and responding to the MED's proposal for amendments to the legislation. Its longer-term purpose is to provide a forum for determining any further work required by the TCF to support members who are ISPs in complying with a revised section 92A, and any subsequent changes to the Copyright Act.

In March 2010, the TCF made a submission to the Minister of Commerce on the digital enforcement measures proposed in the Anti-Counterfeiting Trade Agreement (ACTA) because the draft agreement contained a section on digital enforcement that covered ground similar to that covered by section 92A of the Copyright Act. In parallel with its ongoing attention to the section 92A amendments, the TCF has been monitoring progress on the ACTA.





Customer Transfer Codes Review

The Customer Transfer Code Working Party released an amended version of the regulated Code for Transfer of Telecommunications Services (the 'Customer Transfer Code') for public consultation in July 2009. Six submissions on the amended Code were received in addition to workshop feedback.

Subsequent work undertaken by the Working Party includes:

- development of a Request For Information (RFI) for selected vendors, asking for an
 estimated cost for developing a central transfer register to store the supply chain
 information for an end customer's services, rather than it being displayed on the end
 customer's bill. The Working Party is in the process of reviewing the responses received
- investigating whether the supply chain information on the bill could (or should) be simplified
- making further amendments to the draft Code based on submission feedback, with a new version of the Code now under consideration.

Changed nature

The amended Code addressed a number of key issues: the changed nature of the wholesale supply of telecommunications services in light of Telecom's operational separation; clarifying the roles and responsibilities of the multiple parties in the supply chain of telecommunications services; improving the process for managing the transfer of a customer's services between service providers; and providing a mechanism through which issues, disputes, and complaints could be resolved on a timely basis. The draft Code also proposed that supply chain information for an end customer's services be displayed on the end customer's bill.

Resolution of the supply chain information issue has been somewhat contentious among TCF members, with differing views on whether it is needed, and, if so, how to provide it. The Working Party will continue to engage with TCF members in an endeavour to reach consensus and expect to have a decision reached by mid-2010 as to how to progress with the supply chain information and the Code as drafted.

Customer Complaints Review and Dispute Resolution

In November 2007, the TCF established a self-regulatory regime for customer complaints and dispute resolution relating to telecommunication services. Called the Telecommunication Dispute Resolution (TDR) service, it is operated by the independent TDR Scheme Agent Dispute Resolution Services Limited.

The primary purpose of the service is threefold:

- 1. to encourage TDR members to effectively resolve customer complaints themselves
- 2. to provide prompt, independent resolution of disputes, in consideration of the Customer Complaints Code, the pursuant service standards, and any relevant legal requirements
- 3. to educate the industry on systemic issues arising from disputes and determinations.

In 2009, the TDR service completed its second year. The service saw total call volumes reach a figure 16% higher than those of the previous year. In a significant change from 2008, the number of complaints progressing to adjudication jumped from just one to 26.

Most customer service complaints in 2009 related to incorrect or inadequate advice, and to a failure to action requests. Others concerned installation problems, a failure to keep customers informed, the provision of incorrect or inadequate information, and discourtesy.

During 2009, the categorising of complaints received by the TDR was changed, to better account for the types of complaint being received. This will allow for better reporting of complaint types and systemic issues.

Surveys have shown that 95% of consumers who made use of the TDR service were satisfied with the way the complaint was handled. 74% reported being very satisfied.

TDR Terms of Reference Review

The TDR Scheme Agent reports to a governing Council, with consumer representation constituting 50% of the council's make-up. The Council's role is to provide independence, and to ensure both industry and public confidence in the service.

Under the Scheme's terms of reference, the Council must instigate a review of the Scheme every two years, with a view to the Scheme being established under an entity independent of the TCF. This review will be undertaken in mid-2010.

Interception Guidelines

Because interception-related activity has been progressed by surveillance agencies and other industry forums, the TCF Board agreed at its February meeting that the Interception Working Party be put on hold until further notice.

The Working Party was established in 2008, tasked with developing a set of Interception Guidelines that would streamline processes and reduce confusion by implementing an industry-agreed solution. The Guidelines would assist network operators and service providers in complying with the Telecommunications (Interception Capability) Act 2004 (TICA) in an efficient, timely, and cost effective-manner. The Interception Guidelines were updated and endorsed in August 2009.

Standard Terms Determination

The STD Operations Manual and Service Level Change Control Working Party has successfully processed a number of clarifications submitted by members on proposed changes to the UCLL, UCLL co-location, backhaul, sub-loop and UBA operation manuals and service level terms.

The Working Party worked closely with the Commerce Commission to streamline the process of submitting change requests and clarifications establishing a standard template for all applications. The Working Party also developed a proposal to the Commission to process, through the TCF, change requests to the Operations Manuals which have little or low impact and where there is no price or competition impact. Currently these changes are pending the Commerce Commission's final approval.



Numbering governance and administration

As noted in our Annual Report 2008/09, the TCF formed a joint working party with the Number Administration Deed (NAD): the TCF/NAD Numbering Working Party.

Its objective was to review New Zealand's numbering administration and governance to determine who should be responsible for managing the numbering plan, and how the plan should be managed.

Terms of Reference were established to define the scope of the Working Party. Key areas of attention included: how best to re-design the New Zealand numbering regime to reflect global best practice; determining the appropriate roles for both the telecommunications industry and the regulator; and how to transition from the existing numbering structure and governance to a new and improved structure.

Numbering Management Group

The Working Party's proposal was captured in three documents: the Report of the TCF/NAD Numbering Working Party, the draft Project Scope for the Numbering Management Group, and the draft Code for Number Management.

The Report summarised the proposed numbering governance arrangements. The draft Code for Number Management, defines policy for, and facilitates, the administrative framework for telecommunications numbering in New Zealand. The draft Project Scope proposed a permanent Numbering Management Group working party be established to provide an ongoing forum to oversee number management in an efficient and timely manner; and to address ideas, concerns and process improvements relating to numbering management.

In response to the Report, the Commerce Commission indicated it wished to see the numbering rules changed ahead of any work on governance. Consequently the TCF has put its work on hold while the parties to the NAD review the rules.

IP interconnection

The IP Interconnection Working Party was established in May 2008. Its objective remains to facilitate consultation between Telecom and other service providers on the approach to IP interconnection services.

The Working Party's scope was broadened to include the development of an industry code of practice on IP interconnection. Industry had acknowledged that Telecom's separation undertakings obliged it to consult the wider industry on IP interconnection with the next-generation network. TCF members were also keen to adopt an umbrella approach to IP interconnection, and to create an industry code of practice that could be applied to all future IP interconnection. Commercial models suitable for an interconnection agreement were reviewed by the Working Party.

A technical IPWP sub-group (the Tech Group) was also formed to analyse and report on definitions appropriate for inclusion in the Code, and to define the minimum technical standards for an operating interconnection agreement.

Next steps

An interim IPWP report was presented to the TCF Board in March 2009. Its purpose was to summarise working party progress to date, highlight particular areas of agreement and disagreement, and provide to the Board recommendations for next steps.

A key feature of the report was the recommendation of the creation of a self-regulatory code, which would provide a standard on which operators could base interconnection offers. Operators would also announce their intention of interconnecting on those terms.

The report also introduced the proposal of a commercial model reflecting the multiservice environment IP networks provide; it differs to that operating in the public switched telephone network.

The Tech Group was scheduled to have developed draft Technical Standards for IP Interconnection by the end of October 2009. However the IPWP was put on hold in March 2009, pending resolution of a number of technical and commercial issues arising from the interim report.

As the TCF's 2009/10 reporting year drew to a close, it was anticipated that a revised Working Party scope would be developed.



2009/10 Financial Summary

Statement of Financial Performance

For the Year Ended 31 March 2010

	March 2010 (12 months) \$	March 2009 (15 months) \$
Operating Revenue Tier 1 member fees Group member fees LLU and UBA funding NAD review funding Number portability operating funding Interest	581,426 29,501 0 51,283 358,032 22,456	1,002,189 65,499 88,349 9,158 562,553 59,438
Total operating revenue	1,042,698	1,787,186
Workstream expenditure TDR service LLU/UBA project Information reporting IP interconnection NAD project Existing code reviews Constitutional review Copyright Premises wiring Other working parties Number portability	31,548 5,394 16,468 3,278 51,283 52,056 2,441 23,684 16,229 44,945 356,554	50,130 91,954 9,227 105,341 9,159 39,078 41,532 107,653 3,251 101,279 537,744
	603,880	1,096,348
Operating expenditure Forum chair Forum management Forum administrator Communications Website Audit fees Travel Miscellaneous	75,694 111,583 112,245 33,960 23,086 3,507 20,254 50,375	9,675 276,047 162,178 41,271 20,374 6,783 58,116 70,959
	430,704	645,403
TOTAL EXPENDITURE	1,034,584	1,741,751
Net surplus from operations	8,114	45,435
Less depreciation (as per schedule)	426,699	517,284
Net surplus/(deficit) before tax	(418,585)	(471,849)
Tax expense	6,029	27,339
Net surplus/(deficit) after tax	(424,614)	(499,188)



Statement of Financial Position

As At 31 March 2010

	March 2010 (12 months) \$	March 2009 (15 months) \$
FUNDS EMPLOYED General funds Number portability funding Retained earnings	1,341,710 (1,228,344) 113,366	1,338,708 (803,730) 534,978
Current Liabilities Trade creditors Payables accruals PAYE Income in advance Mastercard	88,711 32,317 4,507 421,106 3,186	100,790 6,585 17,268 693,339 4,706
	549,827	822,688
TOTAL FUNDS EMPLOYED	663,193	1,357,666
ASSETS Current assets Bank balances Term deposit GST and WHT receivables Trade debtors	319,801 256,530 22,914 1,091	549,489 200,000 11,475 110,306
	600,336	871,270
Non-current assets Computer equipment	62,857 62,857	486,396 486,396
TOTAL ASSETS	663,193	1,357,666

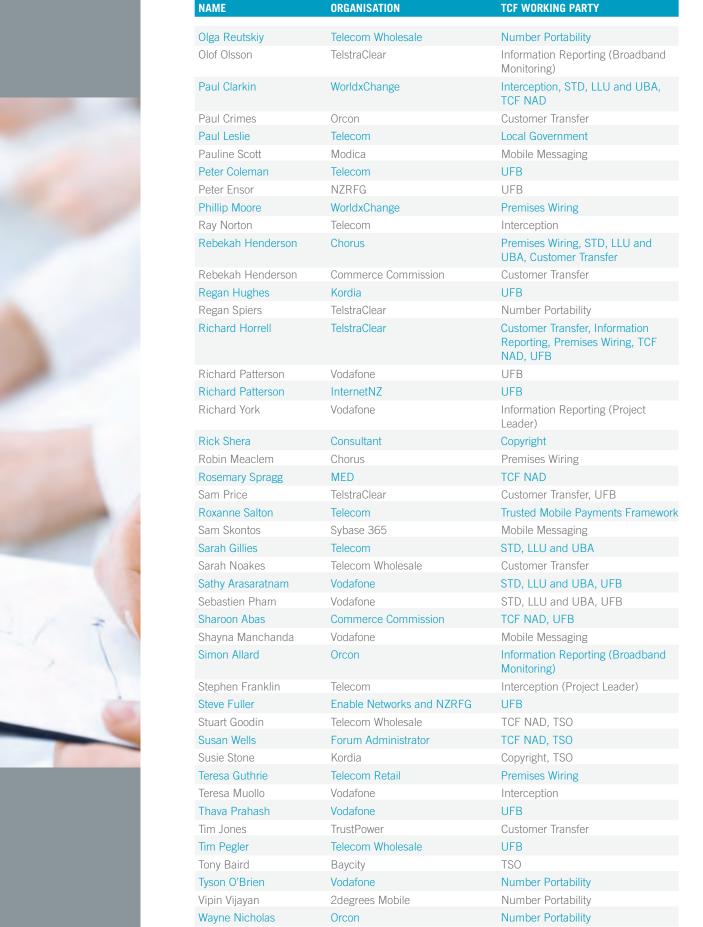


Working Party Members

NAME	ORGANISATION	TCF WORKING PARTY
Addison D'	O-IIDI	Information D. Links
Adrian Dick	CallPlus	Information Reporting (Broadband Monitoring)
Ainsley van Cuylenburg	Northpower	UFB
Airihi Mahuika	Telecom	STD, LLU and UBA, UFB
Alan Mitford-Taylor	Chorus	STD, LLU and UBA, UFB
Alex Pasley	Telecom	Trusted Mobile Payment Framework
Alex Tokmakov	Vector Communications	Premises Wiring
Alex Tsang	Symbio	Number Portability
Allan Levet	Vodafone	Interception
Allan Mordecai	Kordia	Local Government (Project Leader)
Andrew Cushen	Vodafone	Copyright, Customer Transfer (Project Leader), Emergency Services, Information Reporting, Local Government, TCF NAD
Andy Ladd	TUANZ	Trusted Mobile Payment Framework
Andrew Davis	2degrees Mobile	Number Portability
Anthony Morris	Commerce Commission	Information Reporting, TSO
Anton Nannestad	Telecom	Information Reporting
Bianca Miller	Telecom Retail	Copyright, Customer Transfer
Bill Deverall	Crown Fibre Holdings	UFB
Brendan Dempsey	Telecom Wholesale	STD, LLU and UBA, UFB, TCF NAD
Brent Matthews	Chorus	Customer Transfer
Brett Thomson	WorldxChange	Emergency Services, Interception, TCF NAD, Number Portability
Brian Johns	MED	UFB
Bridget Gallen	Vodafone	Trusted Mobile Payment Framework (Project Lead)
Bruce Turner	TUANZ	Premises Wiring
Céline Hugues	Vodafone	Number Portability, TCF NAD
Charlie Boyd	Orcon	STD, LLU and UBA
Chris Abbott	TelstraClear	STD, LLU and UBA, TSO
Claire Green	Vodafone	Mobile Messaging (Project Leader)
Clare Dobson	Forum Administrator	Premises Wiring, STD, LLU and UBA, Trusted Mobile Payments Framework, UFB
Daniel Diack	Vodafone	UFB
Daniel Hopkirk	Airnet	TCF NAD, Number Portability
Darin Hutcheson	Woosh	Local Government, Number Portability
Darius Witana	Chorus	STD, LLU and UBA
Darren Stott	Vector	Local Government
Daryl May	Chorus	Local Government, STD, LLU and UBA
David Dickens	Telecom Wholesale	Customer Transfer
David Diprose	Vodafone	Copyright (Project Leader), STD, LLU and UBA
Derek Cope	Vector	UFB
Destiny Lynch	TelstraClear	Number Portability
Don Stokes	NZRFG	UFB



NAME	ORGANISATION	TCF WORKING PARTY
Donna Blandford	TelstraClear	Customer Transfer
Doug van Boheemen	Telecom Wholesale	Number Portability
Ella Obreja	Telecom Wholesale	Premises Wiring
Elliott Bonnett	Chorus	UFB
Fiona Booth	Telecom Retail	Customer Transfer, Interception
Gareth Banks	TrustPower	Customer Transfer
Gary Jamieson	Chorus	UFB
Geoff Swainson	Local Government New Zealand	Local Government
Ghanum Taylor	Hyperfactory	Mobile Messaging
Glen Larsen	Digital Island	Number Portability
Graeme Norton	Vector Communications	Premises Wiring
Graeme Shellard	Fronde	_
		Mobile Messaging
Graham Walmsley	CallPlus	Copyright, TSO
Helen Knox	Forum Administrator	Emergency Services, Information Reporting, Interception, Local Government, Number Portability
lan Hawkins	Orcon	Premises Wiring
lan McCulloch	Chorus	Premises Wiring
Jackie Clark	Forum Administrator	Copyright, Customer Transfer, Mobile Messaging
Jan Jager	Vector	UFB
Jay Lee	Link Telecom	TCF NAD, Number Portability
John Davenport	TelstraClear	Premises Wiring, UFB
John Emanuel	MED	UFB
John Gandy	Commerce Commission	TCF NAD, UFB
John Greenhough	Crown Fibre Holdings	UFB
John Wilson	TelstraClear	Emergency Services, Interception, Number Portability
Jonathan Eele	M2 Telecommunications	Number Portability
Jonathan Hope	TelstraClear	Copyright
Justin Tighe-Umbers	Chorus	Customer Transfer, UFB
Katherine Rodriguez	Telecom	Mobile Messaging
Kathy Wiltshire	Chorus	Local Government
Kelvin Prince	M2 NZ	Number Portability
Ken Nicod	Orcon	Premises Wiring
Kester Gordon	MED	Emergency Services, Information Reporting. TSO
Kurt Rodgers	Crown Fibre Holdings	UFB
Leon Tsui	Telecom Retail	Customer Transfer
Lucy Riddiford	Chorus	STD, LLU and UBA
Maria Noon	Telecom	Mobile Messaging
Mark Knowles	CallPlus	Number Portability
Matt Law	Woosh	Copyright
Michael Newbury	TelstraClear	STD, LLU and UBA, UFB
Mike Brady	Kordia	Local Government
Neil Allison	Telecom	Information Reporting (Broadband Monitoring)
Nick Haywood	Telecom	Emergency Service (Project Leader) TSO (Project Leader)



Mobile Messenger

Mobile Messaging

William Clarke

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