

ISPANZ NEWSLETTER FOR DECEMBER 2006

It's been a dramatic year for the ISP Association of New Zealand with the progressing of legislation to unbundle the local loop. ISPANZ has also participated in working groups to formulate the details of unbundling and has moved to sort out a number of operational issues with Telecom. Not to forget that the group has regularly responded to issues throughout the year on behalf of ISPs - fighting for competition, for consumer interest, and for a healthy future for the ISP industry.

CELEBRATE CHRISTMAS AND THE BILL

In case you've been sleeping under a rock recently, the Telecommunications Amendment Bill was passed on December 13. This is extremely good news for New Zealand.

Now, get ready for massive activity in the New Year around lobbying for the correct form of operational separation of Telecom, involving having the network clearly separated from the rest.

ISPANZ has played a critical role in bringing local loop unbundling and naked DSL to New Zealand. This started with a major push on LLU and later in the year shifted focus to separation with a very credible presentation to the Select Committee.

We intend to continue working with InternetNZ and other groups to get a separation model that works well and delivers equivalence of inputs for the services that Telecom delivers ISPs.

POSITIVE RESULT AT LLU WORKING GROUPS

The TCF's LLU working groups are developing the technical and operational standards by which local loop unbundling will be implemented. ISPANZ is represented on the LLU working groups by Ihug, Orcon, and CallPlus.

The working groups have released a 269 page report which has gone out for submissions and is publicly available on the TCF website:

<http://tcf.org.nz/outputs/?doc=n>

The TCF board is now considering the next steps. Phase two will involve completing the detail for Implementation.

TCF are paying for this and there is quite a bit of work and cost so ISPANZ members have been fortunate in that respect. There has been a lot of cooperation between all participants and this is an area where Telecom is being very helpful.

GET BEHIND THE CUSTOMER COMPLAINTS CODE

The Customer Complaints Code is likely to be approved by the TCF board as a voluntary code this week. The anticipated scheme encompasses a Code of Practice and a disputes resolution process and note it will have a bearing on ISPs' terms and conditions.

Given the clear decision by the Government to regulate if a voluntary code is not implemented, ISPANZ calls on all ISPs to read the Code, get familiar with it, and sign up to it. The Code may not be perfect but it can be assumed that the alternative of Government regulation would be significantly more onerous.

ISPs need to sign up to the code individually and it is important that everyone does. One or two smaller ISPs not doing so won't ruin things, but three or four might.

It is worth mentioning that the set up cost for the Code and the disputes processes are being borne by the TCF and that the costs of running it are on a user-pays basis. This means there won't be cost to an ISP unless called before it. ISPs in New Zealand deliver a good quality of service and should have no fear of the Code, so add it to your Christmas reading list now.

The TCF's website can be found here: <http://www.tcf.org.nz/>

LITTLE PROGRESS ON UBS

The ISPANZ working group with Telecom on UBS has made little progress in nailing the specification of enhanced UBS, but has gone back to Telecom with a specification of what it is looking for.

Enhanced UBS is not only about removing the 128k uplink constraint, but also enabling the capability for real time service. The ball is now in Telecom's court.

ISPANZ had submitted for changes in the Act to clarify enhanced UBS but these changes were not accepted.

Ihug and CallPlus have dropped their appeal on the UBS determination pricing and instead have applied for a reconsideration. The Commission is now progressing this and the reconsideration is expected to deliver cheaper UBS sometime in the New Year.

INCREMENTAL PROGRESS ON OPERATIONAL ISSUES

After originally having difficulty getting Telecom to acknowledge the extent of operational issues, ISPANZ put together an issues register and Telecom came to the table around mid-year. Since then there has been slow incremental progress in working through issues.

It is taking too long, but results are being achieved in some areas. For example on Rejections of UBS Connections. This has been improved but is not fully resolved. And there has been industry consultation on the Move Address issue, which is significant for all ISPANZ members, and Telecom is now in a testing phase.

The question now is whether this work has become an operational business-as-usual problem rather than an "issue" requiring ongoing higher-level meetings.

ISPANZ will be meeting with Telecom before Christmas and will communicate to members in the New Year on how it will continue to address these operational issues.

READ THE COPYRIGHT AMENDMENT BILL

The Government has introduced and had the first reading of the Copyright (New Technologies and Performers' Rights) Amendment Bill. Among other things, this bill seeks to limit ISP liability for copyright infringement by users. It can be found at this link:

<http://www.parliament.nz/en-NZ/PB/Legislation/Bills/b/2/a/b2ad626160694a-ee9536fab3362d7d15.htm>

This is a Bill that should in general be supported because it reduces ISP liability, but it will be very important to pro-actively engage in getting the wording made unambiguous and addressing certain issues within it. The Bill is designed to cover issues such as hosting and caching, not just transport of content.

All members of ISPANZ should set aside time in the next few weeks to read the Bill.

Other issues of interest to all technically-oriented people are the clauses on technical protection measures and format shifting. And having read the Bill many may well be motivated to put in their own submission, as well as contribute to ideas for an ISPANZ submission.

If you have any queries on the information above, actions for ISPANZ to consider, or ideas for submissions on government Bills please contact the directors individually or jointly at directors@ispanz.org.nz

Have a wonderful Christmas and New Year!
From the directors of ISPANZ

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