

Commissioner to speak at AGM

The new Telecommunications Commissioner Dr Ross Patterson is to address the ISPANZ Annual General Meeting on August 16th in Wellington.

Dr Patterson was appointed to the role in July, replacing Douglas Webb. He is key to enforcing regulation of our industry and will be operating under the toughened rules. This will be a useful opportunity to meet the man and learn more about his approach. Dr Patterson has a PhD in competition law and has practised law extensively in New Zealand and Australia.



The AGM will begin with a review of past successes of ISPANZ by President David Diprose. Dr Patterson will then speak and then we'll then hear from Head of Telecom Wholesale Matt Crockett prior to the break for lunch.

In the afternoon ISPANZ directors Graham Walmsley, Scott Bartlett, Brett Herkt, and Mark Frater will preview the future. After an election phase, Richard Wood will outline the current workplan and strategy of the Association.

Following the afternoon break we will then have a discussion about the strategy and future workplan, facilitated by Wood. The business end of the day should end soon after 5pm, to be followed by drinks and dinner.

The Annual General Meeting is a great opportunity to network with your peers, and support and participate in the future of your industry. We look forward to seeing you there.

The meeting begins with coffee at 10.30am. Location is the InternetNZ boardroom, L10, 5-7 Willeston St, Wellington.

ISPs face copyright issues

ISPs will need to clue up on Copyright given the decision by the Commerce Select Committee to make them responsible for the taking down of copyright infringing material.

The 'notice and takedown' system that was in the draft of the Copyright Amendment Bill was opposed by ISPANZ and InternetNZ, but to no avail. Assuming it becomes law, if a

LLU pricing draft

The Commerce Commission has released the draft standard terms determinations for local loop unbundling and collocation.

The draft determination proposes a wholesale monthly charge of \$16.49 for urban areas and \$32.20 for rural areas. 72.8 per cent of phone lines are in the designated urban areas.

ISPANZ Director Graham Walmsley says the pricing should give sufficient certainty to get investment plans underway, although ISPs will still need to pore through the detail as there are many facets to the cost of LLU outside of the simple monthly line rental.

"Overseas experience has shown that there are many ways for incumbents to find additional charges to levy on ISPs," he says.

Walmsley says ISPANZ supports the pragmatism of the de-averaged approach taken by the Commerce Commission, where there is a cost differential between urban and rural areas.

Proposed connection prices included in the draft are \$250 for a new connection and \$83.70 for a customer transfer. A range of other proposed prices involved in LLU are included in an Appendix to the determination.

ISP Spam Code

The ISP Spam Code of Practice is going through a final legal review before being presented to the TCF, Marketing Association and ISPANZ for sign-up. The document may be able to be circulated to ISPANZ members prior to the AGM.

Internet Code of Practice

InternetNZ is beginning to consult with interested parties on the Internet Code of Practice. Campbell Gardiner from InternetNZ will be present at the AGM if you would like to discuss this further.

ISPANZ working groups

The ISPANZ workplan is on the ISPANZ website. Working groups are an easy way to become more involved and it's never too late to join one. Current groups:

Broadband Reform

Working with the Government and Telecom for a vibrant wholesale market.

Operational Support

Encouraging Telecom to provide a higher level of operational support.

Backhaul and Interconnection

Dealing with congestion, efficiency and scalability of network interconnection.

ICOP

Involvement in development of the Internet Code of Practice, being developed by InternetNZ.

Peering

Supporting and helping to facilitate the re-introduction of local peering.

Membership Participation

Increase participation of the members in ISPANZ activities.

copyright infringement is alleged on a hosted website, ISPs can escape liability for Copyright infringement caused by their customers by immediately taking down the material.

The difficulty arises, as has been seen in the United States, when the allegation is malicious, or ultimately unsupported in a later court decision. At that point the ISP, while following the law for Copyright, could find themselves in difficulty with their customer in terms of business liability. The system can also be abused for political purposes and by religious groups seeking to suppress criticism of themselves.

InternetNZ proposed an alternative 'notice and notice' system that would have extracted ISPs from these predicaments and lessened the 'chilling' impact on free speech of malicious complaints. ISPANZ supported the notice and notice system, which has been used successfully in Canada. Under that regime ISPs would pass the infringement notices onto the customer and then be relieved of liability. After all ISPs are not the ones doing the infringing.

The notice and notice system would not have relieved ISPs of all responsibility to deal with copyright complaints, in fact it would have increased the paper work, but it would have stopped ISPs having to be unnecessarily involved in someone else's conflict.

Customer Transfer Codes

The Regulated Customer Transfer Code took effect from July 12 and the Non-regulated equivalent from August 3. The Codes set out practices for Access Service Deliverers and Service Providers to follow whenever a Customer requests a transfer of telecommunications services.

The aim of the Codes is to make transition from one supplier to another seamless and uninterrupted. The codes are available on the TCF website.

The Regulated Code is compulsory for all service providers and covers regulated services. Providers must provide specific contact details to the TCF, which can be done through a form on the TCF website. The non-regulated code is optional and if you wish to sign up then contact the TCF.

A useful powerpoint presentation explaining the Codes is also available on the TCF website, setting out at a high level the customer authorization process, validation of request, rejection codes, transfer requests, notification of transfer acceptance, customer billing, invalid transfers, fault reporting, conduct, confidentiality, enforcement, and dispute resolution.

If you have any queries on the information in this newsletter or actions for ISPANZ to consider please contact the directors individually, or jointly at directors@ispanz.org.nz