

Telecommunications Dispute Resolution

2018/19 Annual Report



About Telecommunications Dispute Resolution (TDR)

TDR is an independent body for the prompt, unbiased resolution of disputes at no cost to the consumer.

TDR was set up by the New Zealand Telecommunications Forum (TCF), whose members provide a service to 95% of New Zealand telecommunications customers.

The Customer Complaints Code sets out the rules for members. The Terms of Reference sets out the governance of the service.

The Telecommunications Dispute Resolution Council oversees the service. The Council consists of four industry representatives and four consumer representatives, including one representative appointed by the Minister of Consumer Affairs.

In July 2007, Dispute Resolution Services Limited (now FairWay Resolution Limited) was appointed as the agent to set up and manage the TDR service.

FairWay Resolution Limited is an independent, employee-owned company providing specialist conflict management and dispute resolution services. FairWay employs around 100 staff and contracts with around 120 specialist reviewers and dispute resolution practitioners throughout New Zealand. FairWay handles over 16,000 disputes each year of all kinds and levels of complexity, including medical, insurance, financial services, telecommunications, family, local government and construction disputes. FairWay has dispute resolution and conflict management expertise in all parts of the conflict management cycle — prevention, management, resolution and analysis of conflict. FairWay has offices in Auckland, Wellington, and Christchurch.





Contents

TDR Council Chair foreword	4
TDR Director's report.....	5
The year in review.....	6
Business performance	10
Issues at a glance	16
Contact details	24
Who are we.....	26

TDR Council Chair foreword

It is 143 years since Alexander Graham Bell secured a patent for his version of the telephone. While Bell was not the first to invent a type of telephone, it's accepted that he did for the telephone what Henry Ford did for the automobile.

In the decades that followed additional inventions such as the call bell, central telephone exchange, ring tone, amplification and trunk lines ensured that the telephone became one of the most essential pieces of technology that emerged in the 19th century.

In its first 120 years the telephone served to bring people together, to communicate through short and long distances, to accelerate learning and the development and growth of business.

In more recent times wireless and then mobile phones have created great extensions in services and options, and the internet has accelerated that growth and demand for information, knowledge and understanding.

In 2019 consumers know what they want and are prepared to pay for the services they secure. Customer expectations of what service providers can and should do in exchange for payment have increased exponentially.

The focus of the Telecommunications Dispute Resolution service (TDR) is ensuring that telecommunications companies deliver strong products and services; provide customers with clear, unambiguous, and consistent messages; and treat customers fairly. TDR is a highly important and essential avenue to protect consumers and build confidence in an industry that continues to undergo massive, rapid change.

This has been underlined by new legislation that establishes a regulatory framework for fibre fixed line access services, removes unnecessary copper fixed line access service regulation, streamlines regulatory processes, and provides more regulatory oversight of retail service quality.

TDR is an easy to access, free and effective way for consumers to seek resolution and redress to complaints not immediately settled in discussions with a telecommunications provider. The results outlined in this TDR annual report reflect another successful year where the service's objectives are being met and there are greater efforts being made to raise awareness of the service.

When the TDR service first started, the disputes it handled were mainly related to problems with services over copper lines and billing. Today, while billing issues continue to feature, TDR is dealing with wide-ranging disputes involving new technologies.

In concert with the regulatory changes the Telecommunications Forum, is undertaking a review of the scheme and the codes by which it operates. It is all about ensuring that the TDR scheme is fit for purpose.

TDR is administered and supported by FairWay, an independent company that has a strong track record of dispute resolution in many sectors.

TDR is focused on increased, proactive reporting with key government and agency stakeholders, including the Commerce Commission, to demonstrate that New Zealanders have access to quality, independent disputes resolution with their telecommunications providers. The key role that TDR plays is reflected in the new legislation and I remain confident TDR will continue to deliver a quality dispute resolution service.

I thank all the stakeholders including the Minister for Communications, the Commerce Commission, telecommunications companies, their industry body TCF and consumer bodies for their ongoing support of the TDR scheme.



Paul Elenio
TDR Council Chair

TDR Director's report

Welcome to our Annual Report for 2018-19.

Back in 2007, when Telecommunications Dispute Resolution service was established, phone and internet services were already well entrenched. Yet it would have been hard to predict just how intrinsic those telecommunications services would become to our daily lives. In 2019, we are more reliant on those services than ever. With the advent of streaming services, we now watch major international sporting events live on our phones, tablets, laptops and smart TVs rather than on traditional television services. We catch up with our favourite shows and watch our chosen movies anytime, anywhere with the click of a button. We video chat with family based abroad. We connect with lost friends over social media. We send emails 24 hours a day from our offices, homes and phones. We call, we text, we scroll, and we click. There now seems to be an app for nearly everything imaginable.

Telecommunications services are fully ingrained into every aspect of lives, both at work and at play. We have high expectations for those services. If there is an issue, we expect a remedy. If we need to raise a complaint about those services, someone should be there to listen and to act. At TDR, we hear those complaints. Our role is to help those customers reach a resolution. The great news is that 97.5% (2416) of all complaints and enquiries received were swiftly resolved or closed directly by the telecommunications provider after initial assistance and referral by TDR. Of those remaining 2.5% of complaints and enquiries, TDR helped sort things out. Our expert facilitators and mediators assisted 25 people (1%) to resolve matters collaboratively in 2019 and made a decision on the remaining 38 matters (1.5%) that could not be resolved mutually.

Those customers who do require our assistance can rest assured that they will be in safe hands. 96% of overall complainants were very satisfied or satisfied with their TDR experience. 91% of our customer survey respondents strongly agreed or agreed that TDR staff are friendly and courteous, and 91% also strongly agreed or agreed that TDR staff listened and understood their complaint. We pride ourselves on our customer satisfaction, and this is demonstrated by our Net Promoter Score which remains impressively high, at

+81. The Net Promoter Score is calculated by customer responses to the question "how likely is it that you would recommend this company, product or service to a friend or colleagues?" The measure can run from -100 to +100.

Billing remains the top complaint theme (908), as it has year for year since 2007. However, we are seeing a noticeable increase in other complaint categories compared to the last reporting year, particularly customer service complaints which have almost doubled (from 323 to 623) and credit management complaints (rising from 135 to 225). Ultra-Fast Broadband related complaints are substantially lower than in the previous two financial years, we have seen a decrease from 172 to 85 fibre installation complaints this past year.

Possibly the biggest change to the sector is the passage of the amended Telecommunications Act. The changes include regulatory oversight by the Commerce Commission of both the retail service quality of the industry and the dispute resolution mechanisms available to consumers. The Commerce Commission is establishing new retail service quality codes as set out within the amended Act. TDR is participating in workshops led by the Commerce Commission to help create these codes, alongside industry representatives and consumer groups.

We look forward to engaging with the sector and collaborating on the new retail service quality code, 111 contact code, copper withdrawal code and specified fibre areas in the coming reporting year.

While only a small portion of all telecommunications consumers may need our services, it is important that they have access to a free and independent service. At TDR, we value the trust and confidence that both telecommunications providers and consumers place in us to help restore, repair and resolve whatever issues may arise. We are proud of the role that we play in the New Zealand telecommunications industry.



A handwritten signature in black ink that reads "Liz Hogan".

Liz Hogan

Telecommunications Dispute Resolution

The year in review



38
decisions
made

2479
people
assisted

96%
satisfied or
very satisfied

81+
Net promoter score

On the rise

We saw an increase in these complaint and enquiry themes.



	2017/18	2018/19	Increase
Customer Service Approach	131	263	+101%
Debt Collection Agents	121	220	+82%
Account Errors	152	272	+79%
Failure to Action Requests	77	135	+75%
Early Termination Charges	41	65	+59%

On the decline

We saw a decline in these complaint and enquiry themes.



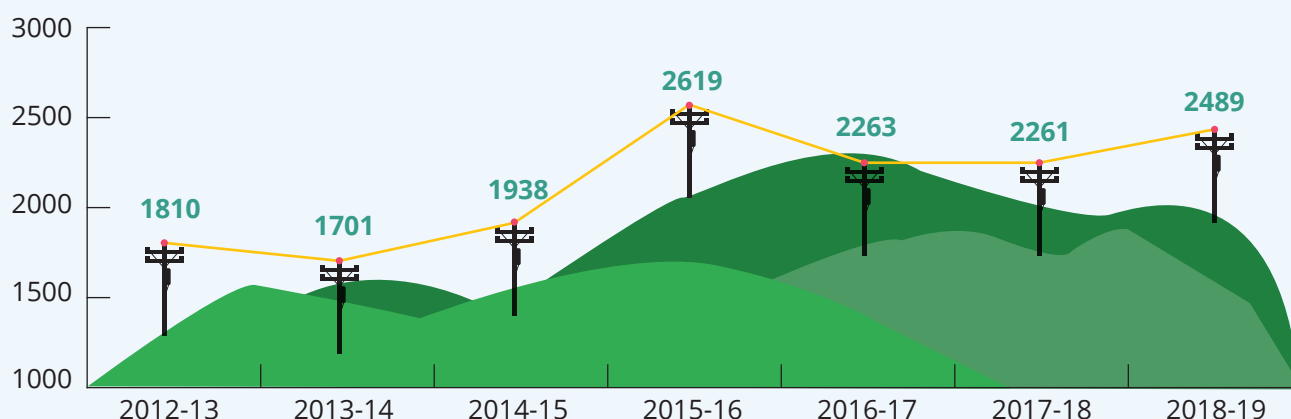
	2017/18	2018/19	Decrease
Fibre Installation Delays	128	50	-61%
Network Service Interruption	35	18	-49%
Service Restoration Delays	47	25	-47%
Point of Sale Advice	114	88	-23%
Dispute Charges	612	513	-16%

How TDR dealt with complaints in 2018-19

About the complaints and enquiries received by TDR

Total complaint and enquiry contacts with TDR per year

This graph is an accurate reflection of total complaints and enquiries received by TDR as at 30 June 2019. The complaint and enquiry contacts with TDR in 2018-19 increased slightly from the previous year. Following a spike of complaint and enquiry contacts in 2015-16, there is a “new normal” for complaint statistics emerging. TDR remains focussed on consumer awareness of the service.



Total complaint and enquiry contacts with TDR per year by category

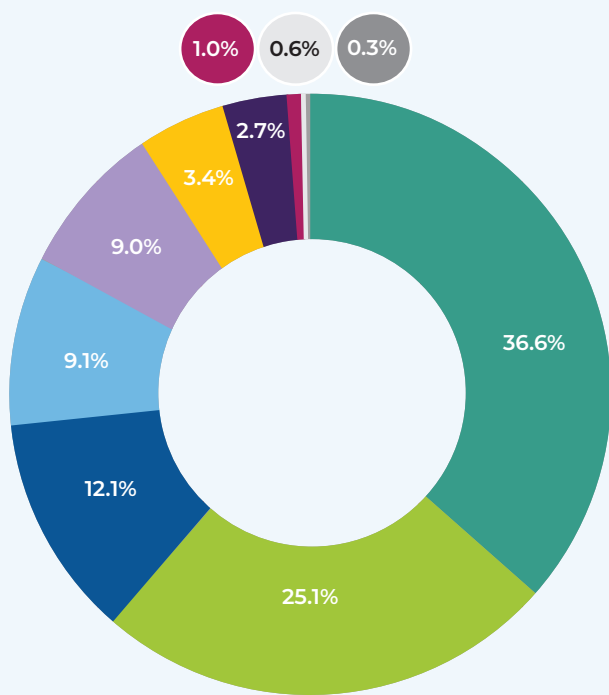
This section represents our statistics for complaints about TDR members across all complaints and enquiries received by TDR.

KEY	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Billing	586	596	650	774	812	931	907
Customer Service	437	250	323	531	317	321	629
Faults	330	339	300	443	331	271	302
Contracts	165	204	295	332	271	230	221
Fibre installation	n/a	n/a	n/a	78	142	174	84
Network Performance	94	108	128	179	126	89	67
Credit Management	61	74	102	194	137	135	230
Transfer*	126	112	124	114	89	61	26
Other*					14	34	15
Complaints Handling	11	18	16	52	23	15	8

* Transfer and other have previously been recorded as a single category. It did not split into two categories until 1 July 2016.

Nature of complaints and enquiries resolved in 2018-19

There were 2479 complaints and enquiries resolved in 2018-19. Billing continues as the largest component of complaints and enquiries received by TDR this year. Customer Service issues increased significantly while complaints about Fibre Installations have decreased.



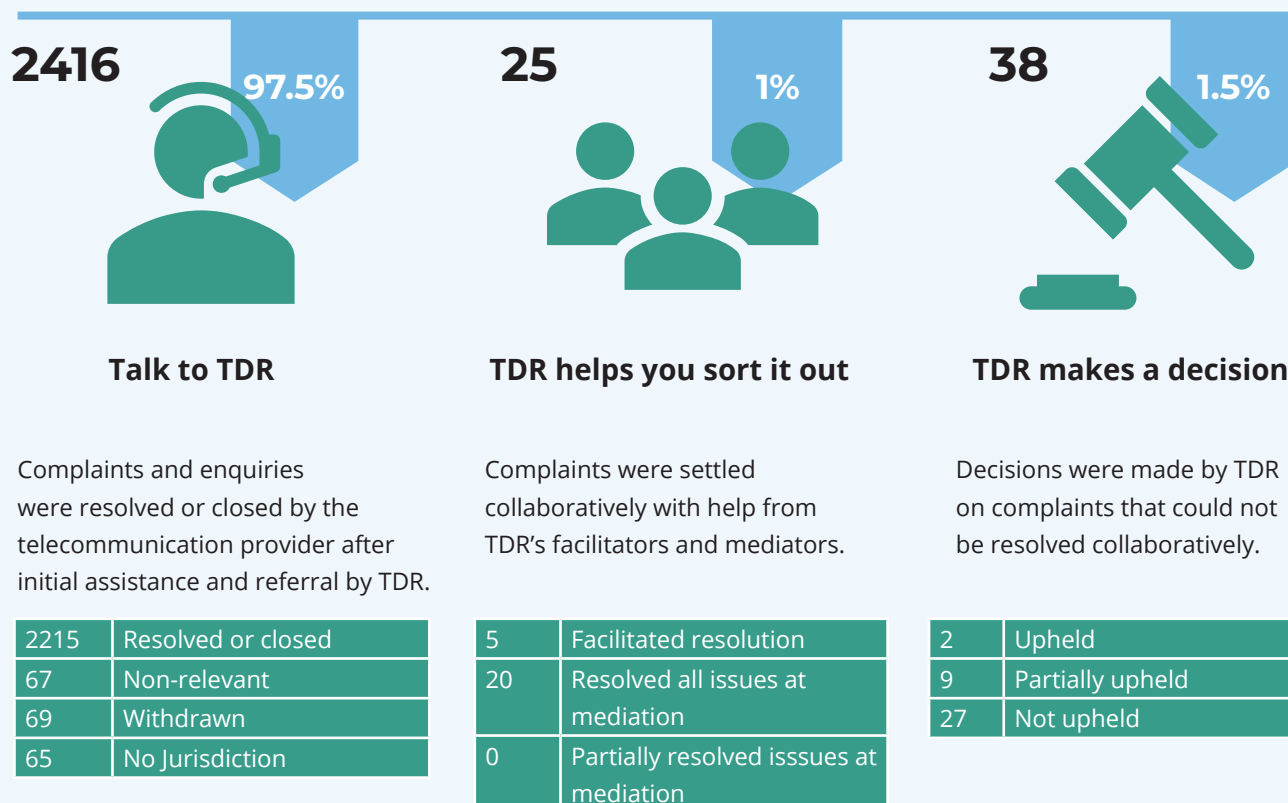
KEY	#	%
Billing	908	36.6%
Customer Service	623	25.1%
Faults	300	12.1%
Credit Management	225	9.1%
Contracts	223	9.0%
Fibre Installation	85	3.4%
Network Performance	66	2.7%
Transfer	26	1.0%
Other	15	0.6%
Complaints Handling	8	0.3%

Note: A small number of complaints and enquiries which are initially closed or resolved in the Phase I – Enquiry and registration, are subsequently re-opened by the customer. These re-opened complaints and enquiries are recorded again as new complaints in the Phase II – Investigation and resolution.

How complaints and enquiries were resolved or closed in 2018-2019

This graph shows the movement through the process of the 2479 complaints and enquiries resolved or closed in the 2018-19 financial year.

How complaints and enquiries were resolved or closed this financial year



This year, TDR formally resolved 63 complaints. 25 were resolved through our collaborative mediation process and in the other 38 cases, they were resolved through TDR's decision-making function. Most cases resolved by decision involved a billing or contractual issue. Our case studies in this year's report give a broad outline of the kinds of issues TDR routinely sees and resolves.

Outcome	What it means	#	%
Settlement	Complaints were settled by TDR facilitators or mediators, meaning that before TDR had to make a decision, the consumer and their telecommunications provider were able to collaboratively resolve with assistance from TDR.	25	39.7%
Upheld	The TDR adjudicator determined that the complaint was successful, which means that the consumer prevailed.	2	3.2%
Partially upheld	Some aspects of these complaints were successful, which means that the TDR adjudicator found in favor of the consumer on those points.	9	14.3%
Not upheld	The TDR adjudicator determined that the complaint was not successful, which means that the consumer did not prevail.	27	42.9%

Business performance

Under the Customer Complaints Code, the dispute resolution process consists of two phases.

Phase I – Enquiry and registration

TDR receives an enquiry, and gathers information from the parties in order to determine whether the complaint:

- is relevant (is about a telecommunications member of TDR and their telecommunication service or products)
- had previously been made to the telecommunications member and is at deadlock
- is within the jurisdiction of TDR to consider.

Phase II – Investigation and resolution

If the complaint is within jurisdiction, then a practitioner will work with both the customer and the TDR member to resolve the dispute. The practitioner initially works to mediate the dispute, but if it cannot be settled in a collaborative way, then the practitioner will issue an adjudicated decision. That decision is binding on the TDR member if accepted by the customer. When a complaint is in 'Phase II', the process is managed by a single practitioner.

BUSINESS PERFORMANCE		
Effectiveness/Quality	Target %	Achieved %
Jurisdiction checks	80%	99.2%
Enquiry and registration phase	95%	100.0%
Investigation and resolution phase	95%	100.0%
Final determination phase	80%	95.0%
<div> <div> Jurisdiction checks TDR member replying to TDR within three hours of jurisdiction check. </div> <div> Enquiry and registration phase Receiving complaint and completing summary of dispute within 24 business days. </div> </div> <div> <div> Investigation and resolution phase Issuing final determination or mediated agreement within 27 days of receiving summary of dispute. </div> <div> Final determination phase From issuing final determination to closing dispute within 30 business days. </div> </div>		

TDR's complaint process

There's a problem

1



Let your provider know there's a problem

Contact your telecommunications service provider directly and make your complaint.

Your provider will work with you to find a solution.

Typical issues raised include:

- My plan isn't working the way I thought it would (cost, service, etc.)
- There are charges on my bill I dispute/have questions about
- I raised an issue with my provider and I haven't gotten a response
- There has been an unreasonable/unexplained delay in installing my fibre/internet
- I have a complaint about how my fibre/internet was (or is being) installed.

My complaint is with my provider and we're trying to work it out

2



Talk to TDR

If you make your complaint directly with your provider, you can still contact TDR. TDR will have a chat with you about how we can help and what you can expect from the process. TDR will ask you questions to help you clarify issues, identify options you want to talk about with your provider, and help you work out what you think will resolve the issue.

TDR does not step in at this point. This is the chance for you and your provider to work together. Most complaints are resolved at this stage. However, TDR is always here to provide information to both of you and to answer questions. A little help from TDR can often make a big difference.

We need TDR's help to fix this

3



Collaborate

You and your provider haven't been able to sort out the issue?

Or six weeks has passed since you made your complaint?

Then one of TDR's expert team members will step in and help. If you can't resolve the complaint through mediation, a TDR adjudicator will decide the outcome. The outcome may be that the TDR adjudicator agrees with either all or some of your complaint or does not agree with your complaint. If you accept the outcome, your provider is required to accept it too.

Before TDR steps in, TDR makes sure that your complaint is something it can consider. This is called jurisdiction. Reasons TDR may not be able to help include:

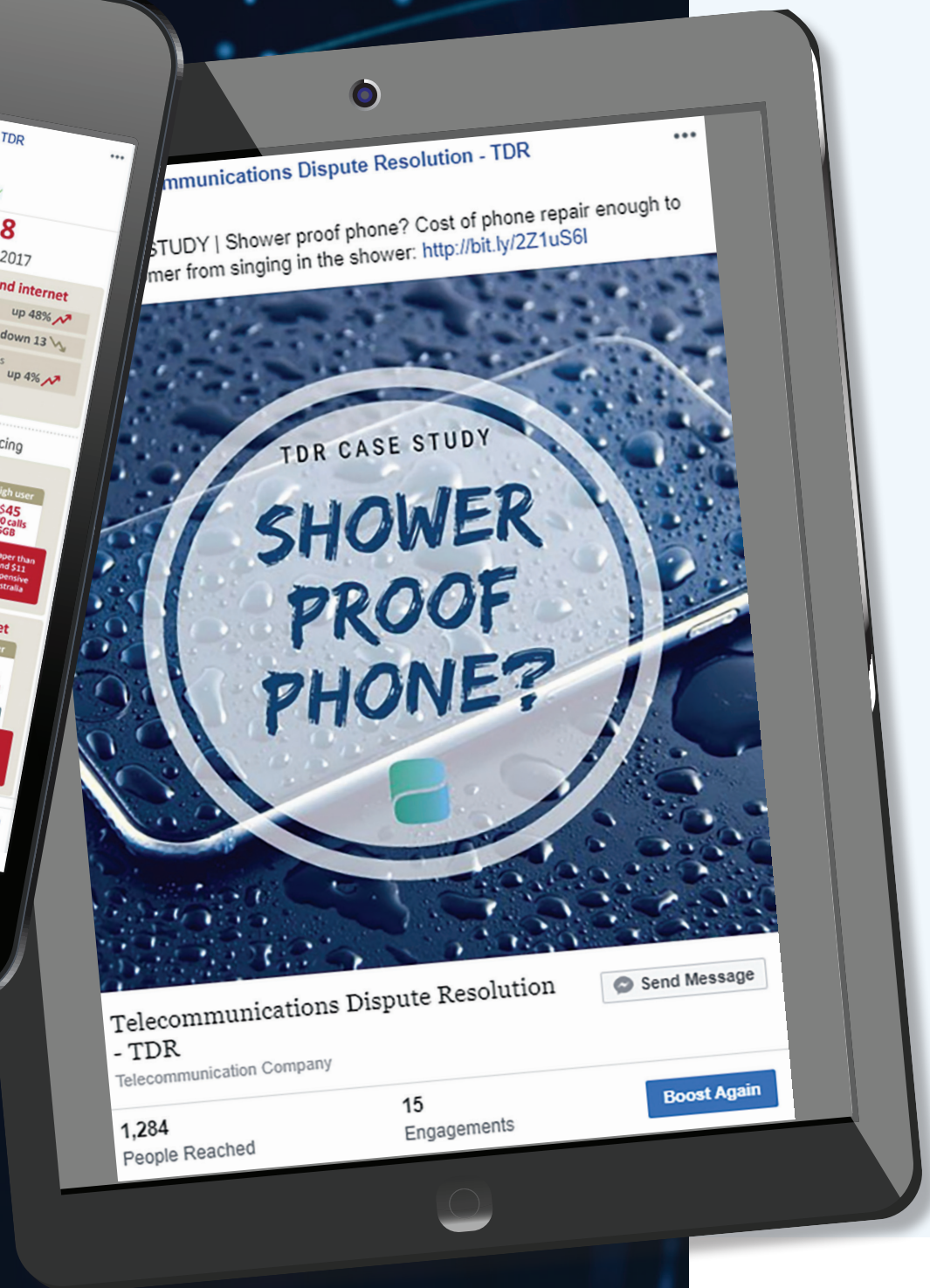
- Your complaint is about a provider who isn't a member of TDR
- Your complaint is valued at more than \$15,000
- Your complaint is about equipment or applications that your provider doesn't support
- Your complaint is about network speeds or coverage.

Outcomes can include things like:

- Written apologies
- Plan changes
- Invoice corrections
- Refunds or account credits
- Withdrawal of accounts from collection.



Engagement and awareness



Engagement and awareness

- **Presenting to and participating in consumer-focused groups and events.** TDR regularly participates in a variety of consumer behaviour workshops, focus groups, and outreach activities, including presenting “Handling complaints with CARE” at the Wellington Business Expo in May 2019; presenting to Citizens Advice Bureau and financial mentors across the country; and meeting with Community Law branches. TDR also actively engages with other consumer groups to find out about the telecommunications issues their members are facing and how TDR can both educate and ensure access to dispute resolution. Following commentary from consumers and consumer groups, TDR re-designed our brochure to be more responsive to consumers’ questions and needs.
- **Meeting with TDR members.** We regularly meet with TDR members to better understand what is happening for them. We also provide opportunities for education, discussion, and opportunities for our telecommunications providers to get to know each other, share insight and skills, and discuss what is happening in the sector. This past year, we hosted three training and workshop programmes on best practice complaints handling and telecommunications topics. Talking to members also helps inform TDR’s submissions on proposed legislation and policy.
- **Public reporting.** A review of the content and structure of TDR’s quarterly report took place to ensure the information provided to the public was accurate and fair. We found that while data released was correct, we could make improvements. We have taken on feedback received such as separating the data by mobile and broadband. We have also updated our reporting periods to biannually, as we were unable to show significant movement or trends in complaints within a quarterly period as the volumes were so small. We have implemented the following changes to improve reporting.
 - The report is to be released biannually to increase the data set
 - Changed reporting to calendar year (January to December) to coincide with the Commerce Commission’s Annual Telecommunications Monitoring Report released in December of the previous year
 - Include raw, as well as apportioned per 10k, complaint numbers for scheme members with data recorded at three-monthly points
 - Due to the decline in ‘home phone’ complaints the primary complaints reporting will focus on broadband and mobile complaints, with home phone complaints addressed separately.
- **Meeting with other complaint-handling organisations.** TDR attends the bi-monthly Dispute Investigators’ Group meetings, as they are useful in understanding complaint trends across a variety of sectors. We also meet independently with complaint handling bodies to discuss complaint-handling trends and share in skill-building. TDR also meets quarterly with the Commerce Commission to discuss industry trends and telecommunications complaint handling.
- **Online Engagement.** Maintaining a digital presence is increasingly important. One of TDR’s focuses has been obtaining a greater level of sustained engagement through our website and social media channels. We have seen a substantial increase in the total amount of website visits and unique website users this past year. Our social media engagement has remained consistent. In the upcoming year, we aim to further increase our engagement and brand recognition. TDR’s online engagement compliments the face to face work TDR does with consumers, government, industry, and consumer advocacy and advice organisations. Engagement drives awareness and awareness drives an increased understanding of what TDR does and how it can help, which is a benefit to both consumers and the telecommunications industry.

Satisfaction with our service

Our independent researcher BuzzChannel collects our customers' feedback on a monthly basis. TDR is pleased to report that almost all scores showed an increase over the previous year.

2016-2017	2017-2018	2018-2019	
+67	+78	+81	TDR maintained a high NPS (net promoter score) of +81. The scale is -100 to +100. Net promoter scores measure the likelihood that someone will recommend TDR.
80%	87%	96%	of overall complainants were very satisfied or satisfied with their TDR experience.

2016-2017	2017-2018	2018-2019	TDR's staff are friendly and understanding. The listening and empathy skills of our facilitators and practitioners were noted in many comments.
86%	88%	91%	of respondents strongly agreed or agreed that TDR staff are friendly and courteous.
83%	88%	91%	of respondents strongly agreed or agreed that TDR staff listened and understood their complaint.

2016-2017	2017-2018	2018-2019	TDR's process is fast and efficient. Most commenters shared that once TDR got involved, issues resolved quickly.
82%	86%	89%	of respondents strongly agreed or agreed that TDR's process was timely and efficient.

2016-2017	2017-2018	2018-2019	TDR's staff are knowledgeable and professional. A repeating theme in the comments is that our facilitators and practitioners are clear about the process and that people using TDR know what to expect, which gives them a greater sense of confidence.
79%	80%	82%	of respondents strongly agreed or agreed that they were kept well-informed about what was going to happen.
80%	79%	88%	of respondents strongly agreed or agreed that the TDR facilitators were knowledgeable and provided all of the information that they needed.
79%	82%	87%	Of respondents strongly agreed or agreed that the process was fair and impartial.

Feedback

“ Immediate contact from TDR. Swift reaction by the provider. ”

“ I think it was the very helpful and friendly way my complaint was handled. I was surprised at the incredible result and the large discount I was given by [my telco] as a result of my complaint being investigated. ”

“ The person who dealt with my case took the time to listen to my point of view about it, which led to my case being resolved in my favour. ”

“ The way I was heard when explaining my issue and then the explanation process resulted in quick response from my supplier. They were challenged to sort out their commitment originally made to me. This resulted in a good outcome and the matter was sorted out. Thank you for the amazing service it is invaluable. ”

“ I had been bounced from disinterested CSR to CSR for months on this issue. They didn't do the actions they promised, didn't call or e-mail me back when promised, and were not at all disturbed that I had tried at least three times to get the same issue fixed. As soon as TDR got involved, I got a prompt call, a single contact person with a direct e-mail address, who took a more thorough approach to diagnosing the issue and resolving it. She not only resolved the problem within a couple of days, but sent me proof of the resolution, so I wouldn't have to wait weeks until my next bill to see if it really was fixed. ”

“ The person I spoke to on the phone listened to me and fully understood why I was contacting them. They fully explained the whole procedure and told me what the next step would be and so on. I completed a form and sent it back, they replied to say they would give the company time to contact me directly, if not they would look into it further. Everything happened exactly as they said. The company did contact me to say all charges were now clear and I was right as from the beginning!! Hey Hey. Thank you. ”

“ My first attempt to resolve my issue did not go very well, once my complaint was received from TDR then the most helpful [telco] employee rang and quickly assisted me to a mutual solution. I do not think that this would have happened if not for TDR. ”

“ The staff member took the time to listen to my concerns and directed me to complete the online form to activate my complaint. After completing this form, I was blown away with the immediate response from the telco, and the immediate resolution of my complaint. ”



Issues at a Glance



Overview

We have six case studies that highlight the trends and themes TDR has seen over the past year.

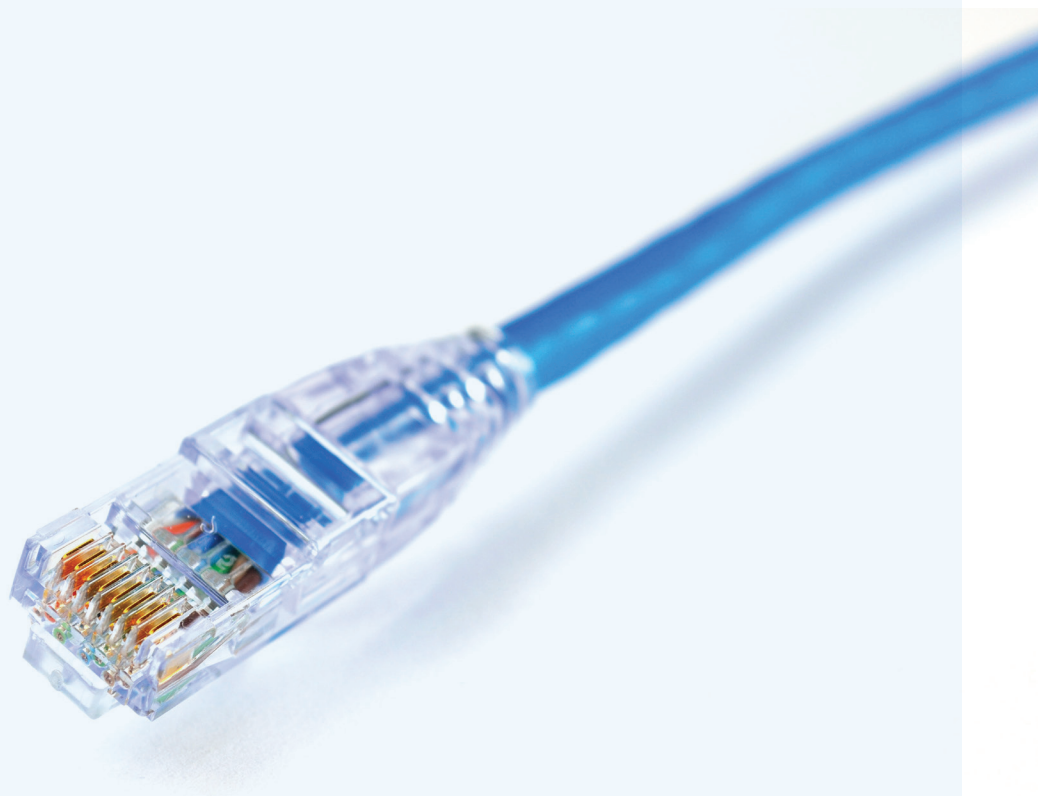
Our case studies include complaints that feature:

- Installation fees
- Water damage
- Rural broadband services
- Early termination fees
- Debt collection
- Upgrading services.

Common across most complaints are the themes of billing and customer service. Billing tends to feature prominently as most customers expect to not have to pay or either be refunded or compensated when the product or service is not meeting their expectations. Customer service is another reoccurring theme, which features as an aspect of many complaints particularly where an issue is ongoing and the customer has repeated interactions with the telecommunications provider.

Our selection of case studies somewhat mirror general trends in the New Zealand telecommunications sector. Several of our case studies involve ADSL and VDSL services, which are delivered over copper cables, and some involve transfers to and installations of newer fibre and mobile networks. More than 700,000 New Zealand homes have already made the switch to fibre and by 2020 around three quarters of the country is expected to have access to fibre. We expect that complaints about older technologies, such as ADSL and VDSL, will gradually decline as more and more households move onto newer technologies.

Across all complaints received by TDR, and beyond these cases studies, it is clear that consumers vote with their feet. When products or services are not meeting their expectations, or when issues remain unresolved, consumers will move providers. The same applies when consumers think there is a better deal to find. This demonstrates the competitive nature of the telecommunications industry and why it is so important that customers continue to receive an excellent level of service from initial sales approach through to continued delivery of their service.



Fee for Fibre

Sean* wanted to have Fibre installed on his property. His current internet connection was via aerial wire. He planned to remove the aerial poles on his property in the near future so to prepare for the Fibre installation, he decided to lay ducting underground and in line with his Local Fibre Company (LFC) specifications. Sean assumed that because he had done this work, there would be little or no cost for Fibre installation. Once the ducting was completed Sean contacted his provider and requested a Fibre installation.

The LFC made contact and visited Sean at his property. The LFC determined that a 'like for like' installation would work, but it meant installing a new overhead connection in place of the existing overhead connection. Sean advised that he wanted an underground connection and pointed to the work he'd already done in laying the underground conduit.

The LFC representative noted what Sean wanted and informed Sean's provider that there would be a cost involved for the underground installation. Sean disputed both the amount of the invoice and the amount of work required. A complaint was received by TDR and when Sean, his provider, and the LFC weren't able to resolve it, one of TDR's Resolution Practitioner's got involved.

The Resolution Practitioner attempted to mediate between Sean, his provider, and the LFC. This process prompted the LCF to send out a senior technician to work with Sean to find a solution. However, TDR still had to determine what a "like for like" installation meant in this case. TDR issued a decision that noted that while Sean had done a lot of the work towards an underground install, that didn't mean the installation was "like for like". In this case, the Fibre could be installed via the existing overhead connection. That would constitute a "like for like" installation. A "like for like" installation of Fibre uses existing infrastructure. This means if your current connection is via aerial wire, your Fibre connection will most likely also be via aerial wire.

Anything else would be considered a non-standard installation, for which the LFC could charge.

“Not all fibre installation fees are 'like for like.’”

**Names have been changed to protect our customers' identities*

Shower proof phone?

Less than two years after Hine* bought her mobile phone, it started to play up. She took the phone back to her provider, who she purchased it from. After investigation, the provider advised that the phone was water damaged and it would cost \$669 to repair or replace it with a refurbished phone.

Hine disputed the water damage as she had taken good care of the phone and it had not been dropped into water. Hine also believed the phone was not fit for purpose as the phone was advertised as splash, water and dust resistant, and believed this was against the Consumer Guarantees Act. Hine submitted a complaint with TDR and after initial discussions the matter was deadlocked and assigned to a TDR Resolution Practitioner.

The Resolution Practitioner was able to ascertain further information from the provider and their repair agent. There was sufficient evidence of water damage to the phone's motherboard. It was also explained that the water resistance decreases over time through normal wear and tear and in circumstances such as having the handset in the bathroom while taking a shower, on a regular basis. Hine admitted to taking the phone with her most places, including into the bathroom when showering. She often played music while showering and would place the phone on a nearby shelf.

Hine and her provider were unable to reach an agreement, so the Resolution Practitioner was required to make a decision. Having considered the evidence provided by both parties the Resolution Practitioner determined there was insufficient proof that the provider had breached the Consumer Guarantees Act by not repairing or replacing the phone free of charge.

“Cost of phone repair enough to stop a customer from singing in the shower.”

**Names have been changed to protect our customers' identities*

Service not up to scratch

Patricia signed up for home phone and ADSL broadband services. She lives in a rural area where the copper line is connected to a very old exchange which is shared by all users in the area. This means Patricia often has to deal with slow and, at times, no broadband.

Patricia had, over the last few years, continually advised her provider that the phone line, broadband, or both, were not working. Numerous faults were lodged, and many technicians attempted to get the services up and running, but none were able to keep the line stable.

Patricia then submitted a complaint with TDR claiming her provider had not done enough to resolve the issues. Considering the lack of connection, she asked to be refunded the charges where her services had been down for most of a month.

After a brief facilitation period, it was clear that the case was deadlocked so it was assigned to a TDR Resolution Practitioner.

The Resolution Practitioner worked with the customer and her provider. Patricia had been very proactive with her complaint - she had

accumulated and filed a lot of relevant evidence relating to the lack of service and what her provider had, and had not, done to remedy the issues.

Mediation was unsuccessful, so the Resolution Practitioner issued a decision based on the conversations she had with the parties and the documentation provided. They determined, under the Consumer Guarantees Act, Patricia was not provided with services to an "acceptable quality". Patricia had been able to show the dates of disconnection, contact where she had attempted to remedy the issue, credits or offers given to her during disconnections and proof of poor record keeping by the provider.

Patricia's complaint was upheld and her provider was directed to provide a credit equal to 12 months of service.

// Customer with slow and sometimes even no internet and phone services requests refund. //

**Names have been changed to protect our customers' identities*

Poor service = no payment

Doug had experienced ongoing service issues with his provider. His wireless broadband connection was intermittent, which Doug assumed was due to poor network coverage, and when he tried to raise the problems the issue was exacerbated by poor customer service and difficulty in reaching the providers technical team.

After months of unanswered questions Doug decided to change providers, refusing to pay for the months where he received little to no connection and the early termination fees. The provider disputed Doug's reasoning for non-payment and continued to invoice Doug, and subsequently forwarded them to a debt collection agency for collection.

Doug contacted TDR and lodged his complaint. The complaint progressed quickly through the TDR process since it had been more than 12 months since Doug had raised the connection issues with his provider. This technically ruled the matter out of TDR's jurisdiction, as the rules governing the TDR service require that complaints be made within 12 months of raising the issue with the provider. However Doug's provider saw the benefit of TDR's involvement to help resolve the complaint and a Resolution Practitioner was assigned to assist.

The Resolution Practitioner facilitated discussion between Doug and his old provider. The provider acknowledged that Doug had experienced multiple connection and customer service issues, while Doug confirmed that he had additional outstanding historic bills which the provider was entitled to payment for. Both parties acknowledged failings on their parts and were able, with the assistance of the Resolution Practitioner, to reach a mutually beneficial mediated agreement.

// Customer experiencing broadband issues refuses to pay. //

**Names have been changed to protect our customers' identities*

Unpaid bill affects mortgage

In the latter part of 2017, Jurgen* changed his telecommunications provider. In January 2018, Jurgen was surprised to receive a letter from a debt collection agency about his old account. The letter said that he had an 'unpaid debt' and that he owed money for services with his previous provider.

Jurgen got in touch with his previous provider to dispute the charges. In his view, he had notified the provider that his services were to be cancelled and he was not given adequate notice to pay the outstanding balance on the unpaid bill before it was sent to a debt collection agency. Jurgen and his provider were unable to reach an agreement on how the matter was to be resolved.

Jurgen contacted TDR. After discussions with both Jurgen and the provider, a Resolution Practitioner was appointed. The Resolution Practitioner worked with Jurgen and the provider, clarifying the actions that both parties had taken before the debt had been passed on to the debt collection agency.

During their mediation sessions, it was clear that Jurgen was mostly upset about the debt collection agency getting involved. He was in the process of arranging a mortgage for his first home and suddenly he was flagged as having a bad debt. He

didn't mind paying the amount owed to his provider but having a debt with debt collection agency was affecting his ability to get a mortgage.

The Resolution Practitioner helped Jurgen and the provider to discuss options. The provider agreed to withdraw the debt from the debt collection agency on the condition that Jurgen paid the outstanding amount. Both Jurgen and the provider agreed to this plan. Jurgen subsequently paid the owed amount and the bad credit rating was removed.

Jurgen has now moved into his new home.

"An unpaid amount quickly became a 'bad debt' affecting mortgage options."

**Names have been changed to protect our customers' identities*

From A to V

Debbie's* internet provider got in touch with her to advise that she would be upgraded from ADSL to VDSL. ADSL and VDSL both use copper wiring to deliver broadband services. VDSL is faster than ADSL, but it is not as widely available.

A few days after the call, Debbie received a new modem with instructions on how to install it. She was advised that her VDSL upgrade would happen within two weeks. She looked forward to her new faster broadband connection.

Over the next month, Debbie's internet performance significantly declined. She contacted her provider who arranged a technician to visit. The technician checked the line and completed some repairs. Her internet speed improved slightly however there were still periods of time where the internet would disconnect, or the speed would drop.

A couple of months later Debbie called her provider again to complain about the service. The provider said her modem must be faulty, so sent her a replacement. Her internet service did not improve with the new modem. Despite further discussions and testing, her connection did not improve.

Debbie learnt that she was still on ADSL. She was very frustrated that she had been offered

VDSL and believed she had been upgraded, when she hadn't been. She couldn't understand why coverage maps showed VDSL in her area, yet she remained on a poor performing ADSL connection. Communication broke down between Debbie and the provider, so she contacted TDR.

A Resolution Practitioner was assigned to the case. During discussions, the Resolution Practitioner was able to find out what had happened with her VDSL upgrade. While VDSL was advertised as being available in the area, the signal strength at Debbie's actual address was very poor. After testing the line onsite, the technician determined that Debbie would have been worse off moving to VDSL so he decided against installation. Neither the technician nor the provider had explained this to Debbie.

Through the TDR process, Debbie and her provider began communicating again. By exploring options together with the Resolution Practitioner, Debbie found that fibre had been rolled out locally and she could now upgrade to fibre. Fibre uses fibre-optic cables to deliver broadband and is the fastest and most reliable broadband service.

Debbie decided to withdraw her complaint from TDR and she arranged a fibre installation with her provider instead.



“ Upgrade from ADSL to VDSL interrupts internet. ”

**Names have been changed to protect our customers' identities*



Contact details



Contact details for TDR members

If you have any questions or concerns about your current services and would like to discuss them with your telecommunications provider, or you would like to sign up with one of the companies that belongs to TDR, please see their contact details below.

	2degrees	0800 022 022
	2Talk	09 281 4357
	Big Pipe	www.bigpipe.co.nz
	Chorus	0800 600 100
	DTS	0508 387 669
	Enable Networks Limited	0800 4 FIBRE (0800 43 42 73)
	Flip	0800 60 SALES (0800 60 72 53)
	MyRepublic	0508 MYFIBRE (0508 693 4273)
	Northpower Fibre	0800 667 847
	NOW	0800 GET NOW (0800 43 86 69)
	Orcon	0800 131 415
	Primo Wireless	0800 123 PRIMO (0800 12 37 74)
	SEDACOM	027 427 5556
	Skinny Direct	0800 44 00 11
	Skinny Mobile	0800 4 SKINNY (0800 475 4669)
	Slingshot	0800 892 000
	Spark	Call 123 or *123 (mobile)
	TNZ Group Ltd	0800 000 860
	Trust Power	0800 878 787
	Ultrafast Fibre	0800 FIBRE LTD (0800 34 27 35)
	Unison Fibre	0800 286 476
	Vector Limited	0800 826 436
	Vocus Communications	0800 895 000
	Vodafone	0800 800 021
	VoIPcloud Wholesale	09 222 4699
	VoiPline Telecommunications	09 222 1000
	Warehouse Mobile	0800 284 800



Who are we



Who we are and what we can do for you

TDR is part of FairWay Resolution Limited, New Zealand's largest specialist conflict management company, with over 100 staff and 120 contractors working with us across the country.

From complaints and conflict, to issues and disagreements, FairWay can help resolve your dispute. There are lots of different ways that FairWay can help people move forward– such as mediation, facilitation, adjudication and specialist coaching.

FairWay offers a wide range of services to help New Zealanders in conflict move forward, working across a wide range of industries both in the public and private sector. They have extensive experience in dispute resolution and conflict management across a wide range of sectors from financial services, insurance and telecommunications to education, local government, construction and family.

FairWay's purpose and values

Every aspect of our work is guided by our commitment to our core purpose and values. These are simple, straight-forward, effective and designed to empower those we work with.

Purpose

Leading the prevention and resolution of disputes



Tā te Hinengaro
Tōkeke Whakatau

Values

FairWay's fundamental values are to pursue excellence in all we do through:

Professionalism	Doing what is <i>tika</i> Providing a high quality service that meets customer expectations and professional standards, ensuring customers have trust in the fairness of our services.
Integrity	Doing what is <i>pono</i> Upholding ethical standards and communicating in an open, honest and transparent way. Always focused on the health and safety of our people and customers.
Collaboration	To do <i>mahi tahi</i> Seeking opportunities to work in teams towards shared objectives, knowledge and success.
Fairness	Doing what is <i>tōkeke</i> Abiding by objective standards, allowing full participation in our processes, and giving all voices an opportunity to be heard.
Empathy	Doing what we do with <i>aroha</i> Acknowledging where people are coming from and identifying their needs by asking, listening and clarifying. Demonstrating respect to one and another and our customers, acknowledging difference, and encouraging diversity.



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