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**10<sup>th</sup> February 2021**

**To all our valuable phone service customers**

**Commission 111 Contact Code**

In November 2020 the Commerce Commission published the Commission 111 Contact Code in recognition of the fact that as consumers move away from traditional copper based voice services to newer telecommunications technologies they may be unable to contact 111 emergency services during a power failure at their premises. In particular, the Code recognises a subset of consumers who are more likely to need to contact the 111 emergency services and do not have a means to do so in the event of a power failure at their premises. The Code refers to this subset of people as vulnerable consumers and sets out mandatory requirements on providers of retail landline services to provide vulnerable consumers with appropriate means of contacting the 111 emergency services in the event of a power failure at their premises. You can read the full Commission 111 Contact Code on the [Commerce Commission Website](#)

As a provider of retail landline services (phone services) in conjunction with both our fibre and fixed wireless broadband services, thepacific.net must meet these mandatory requirements, and the first step in doing so is to make both existing and potential new consumers of our services aware of what the Code means to them.

**Impact of a power failure:**

In the event of a power failure at a consumer's premises, all electrical devices that don't have their own inbuilt battery will cease to operate. That would include cordless phones, medical alarms, and many of the components that provide the consumer with access to broadband phone services. This may mean that the consumer is unable to make any telephone calls, including calls to 111 emergency services.

If the consumer has a mobile phone and access to a mobile phone network, or if the consumer has a backup power supply such as a generator, then they may still be able to contact the emergency services.

The Code recognises that vulnerable consumers, or persons on their behalf, need to have reasonable access to an appropriate means to contact 111 emergency services in the event of a power failure.

### **Who are vulnerable consumers:**

A consumer, in the context of the Code, is either the customer who has a contract with the retail landline service provider or a person who ordinarily resides at the customer's premises.

The Code uses the following definition<sup>1</sup> of a vulnerable consumer.

9. *A vulnerable consumer means a consumer of a retail landline service, who:*

9.1 *Is at particular risk of requiring the 111 emergency service; and*

9.2 *Does not have a means for contacting the 111 emergency service that can be operated for the minimum period, in the event of a power failure.*

In the above definition, "at particular risk" means a consumer who is more likely than other consumers to require the 111 emergency service because of a specific circumstance applicable to that consumer. For example, specific circumstances might include known medical conditions, personal safety issues, or disability reasons. The minimum period referred to in the above is 8 continuous hours.

### **What to do if you think you might be a vulnerable consumer:**

The Code aims to ensure that vulnerable consumers have a means to contact 111 emergency services that can be operated for the minimum period of 8 continuous hours.

Any consumers of thepacific.net phone services, or someone on their behalf, can download an application form [tpnet.nz/contact](http://tpnet.nz/contact) to apply to thepacific.net to demonstrate that the consumer is a vulnerable consumer.

Alternatively, the consumer, or someone on their behalf, can telephone thepacific.net to discuss the application process, or to request a printed copy of the application form to be posted to their home address.

When considering an application, please note that the Code does not permit a provider of retail landline service to deny or cease supply of those services on the basis that the consumer may be or may become a vulnerable consumer.

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<sup>1</sup> Section F1 of the Commission 111 Contact Code

Before submitting an application, please consider the following circumstances<sup>2</sup> as stated in the Code. If any of these circumstances apply to the consumer then that consumer, whether vulnerable or not, is deemed to have a means of contacting the 111 emergency services at their premises that can be operated for the minimum period of 8 hours in the event of a power failure:

- 21.1 The consumer's premises receives a copper landline service;*
- 21.2 The consumer has unrestricted access to a mobile phone and that consumer's premises has adequate mobile phone network coverage; or*
- 21.3 The consumer has an uninterruptable power supply to maintain a means for contacting the 111 emergency service in a power failure.*

Completed application forms should be submitted to thepacific.net

by email to:

[connect@tpnet.nz](mailto:connect@tpnet.nz)

or by post to:

Contact 111 Applications  
THEPACIFIC.NET  
PO Box 3232  
Richmond 7050

#### **What happens next:**

Within 10 working days of receiving a complete consumer's application, thepacific.net will inform the consumer, or the person acting on the consumer's behalf, whether the application has been accepted or declined.

If the application has been accepted, thepacific.net will advise the consumer:

- that they are now a vulnerable consumer of thepacific.net; and
- the next steps in providing, at no cost to the consumer, an appropriate means of contacting 111 emergency services that can be operated for the minimum period of 8 hours in the event of a power failure; and
- the overview of the dispute resolution service under the Code.

If the application has been declined, thepacific.net will advise the consumer that the application has been declined, the grounds on which it has been declined, and provide an overview of the dispute resolution service under the Code.

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<sup>2</sup> Section F2 Of the Commission 111 Contact Code

## Complaints

If any consumer of thepacific.net retail landline (VoIP – Phone) service has a complaint or concern about any matters arising under the Code then please talk to thepacific.net first. Complaints or concerns can be raised with [manager@thepacific.net](mailto:manager@thepacific.net) . Should this fail to resolve the matters, any consumer who is unhappy about any matter arising under the Code may refer their complaint to the industry dispute resolution scheme.

A consumer may make a complaint to the Commerce Commission regarding thepacific.net's compliance with the Code but the primary method of making a complaint is to refer to the industry dispute resolution scheme.

Yours sincerely

*Sue Lubransky*

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