

# YOU CHOOSE 2 YEAR FIXED TERM OFFER TERMS & CONDITIONS.



## NEW CUSTOMERS

Effective date 15 November 2023

It's wonderful that you've decided to join Mercury. Here's everything you need to know about the offer. Lots of words, we know, but it's all the important stuff so grab a cup of tea and have a read!

### 1 THE OFFER

- 1.1 Choose a joining bonus (or choose to upgrade with a top-up payment), when you join Mercury on an eligible electricity and broadband bundle for a 2 year fixed term; and
- 1.2 Enjoy a \$15 per month discount on your chosen broadband package (our Broadband Bundle Discount) for having both electricity and broadband with us together these make up the "Offer".

### 2 ELIGIBILITY

- 2.1 This offer is provided by Mercury NZ Limited and is only available to new residential customers who:
  - (a) sign up for electricity and broadband together at the same address for a 2 year fixed term;
  - (b) are not existing Mercury customers; and
  - (c) have not had their electricity or broadband services with Mercury NZ Limited under either the Trustpower brand or the Mercury brand within the last 12 months.
- 2.2 We are not obliged to provide you with services unless we accept your application. We can decide whether or not to accept any application and credit criteria may apply. This offer is not available in conjunction with any other offer. For more information, please call us on 0800 10 18 10.
- 2.3 The offer is not transferable or redeemable for cash.

### 3 CHANGES

- 3.1 This offer may be subject to change or expiry without prior notice.

### 4 APPLICATION

- 4.1 These offer terms and conditions (the "Offer Terms") are in addition to Mercury's General Residential Terms, Electricity and Piped Gas Terms and Phone and Internet Terms, and Privacy Policy, which also apply. To the extent of any inconsistency, these Offer Terms will take precedence and apply. Please see our website [mercury.co.nz](http://mercury.co.nz) for full details.

### 5 TERM

- 5.1 This is a 2 year fixed term bundle contract (the "Term") for electricity and broadband. There is no fixed term for gas, landline phone or mobile phone services.

### 6 TERM COMMENCEMENT

- 6.1 The Term starts at the point when both broadband and electricity services have been connected with Mercury (including any interim wireless broadband service), or at the end of any cooling-off period that applies to you, whichever is later, unless;
  - (a) You have signed up to FibreMax;
  - (b) You have opted to take up an interim wireless broadband service until your FibreMax is connected; and
  - (c) You selected a Tier Two or Tier Three joining bonus.

In this situation your Term will start when your FibreMax and electricity services have both been connected with Mercury, or at the end of any cooling-off period that applies to you, whichever is later. There is no fixed term for the interim wireless broadband service, which you can cancel at any time.

### 7 INTERIM SERVICES

- 7.1 If you have chosen FibreClassic or FibreMax and elected to take an interim wireless broadband service, you will pay wireless broadband prices until your fibre is connected. Once you are connected to your chosen fibre plan you will start to pay the applicable price for your chosen fibre plan.

## 8 JOINING BONUS

- 8.1 As part of this offer, you'll be able to choose a free joining bonus which is determined by the broadband plan that you choose when you sign up. It is possible to upgrade to a different range of products by making an upfront top-up payment. There are three tiers of products available:
- (a) Products available on all broadband services (Tier One)
  - (b) Products available only on FibreMax (Tier Two)
  - (c) Products available only with a top-up payment (Tier Three)
- 8.2 Wireless and FibreClassic customers can upgrade to a higher tier product by making an upfront top-up payment as follows:
- (a) Upgrade to a Tier Two product: top-up payment of \$400
  - (b) Upgrade to a Tier Three product: top-up payment of \$700
- 8.3 FibreMax Customers can upgrade to a Tier Three product by making a top-up payment of \$300.

Tier One Joining Bonus	Broadband service
Samsung 43" Smart TV (model UA43CU8500SXNZ)	Wireless, FibreClassic and FibreMax
Samsung 280L White Fridge/Freezer (model RB27N4020WW/SA)	Wireless, FibreClassic and FibreMax
Samsung 8kg Washing Machine (model WW80T4040CE/SA)	Wireless, FibreClassic and FibreMax
Samsung Jet 90 Pet Stick Vac (model VS20R9042T2/SA)	Wireless, FibreClassic and FibreMax
Samsung Premium Soundbar with Dolby Atmos (model HW-Q700C/XY)	Wireless, FibreClassic and FibreMax
Samsung Galaxy A54 5G Mobile Handset (model SM-A546EZKXNZ)	Wireless, FibreClassic and FibreMax

Tier Two Joining Bonus	Broadband service
Samsung 55" Smart TV (model UA55CU8500SXNZ) + Samsung 2.1 Channel 200W Soundbar with Wireless Subwoofer (model HW-C450/XY)	FibreMax (or available with top up payment on Wireless and FibreClassic)
Samsung 8.5kg AddWash Washing Machine (model WW85T554DAW/SA)	FibreMax (or available with top up payment on Wireless and FibreClassic)
Samsung 427L Fridge/Freezer (model RL40B4SBAB1/SA)	FibreMax (or available with top up payment on Wireless and FibreClassic)
Samsung Dishwasher (model DW60M6055FS/SA)	FibreMax (or available with top up payment on Wireless and FibreClassic)
Samsung Bespoke Jet Vac (model VS20A95993B/SA)	FibreMax (or available with top up payment on Wireless and FibreClassic)
Samsung M8 Smart Monitor (model LS32CM801UEXXY)	FibreMax (or available with top up payment on Wireless and FibreClassic)
Samsung Galaxy S21 FE Mobile Handset (model SM-G990EZAIXNZ)	FibreMax (or available with top up payment on Wireless and FibreClassic)

Tier Three Joining Bonus	Broadband service
Samsung 65" Smart TV (model UA65CU8500SXNZ) + Samsung 2.1 Channel 200W Soundbar with Wireless Subwoofer (model HW-C450/XY)	Available with top up payment on Wireless, FibreClassic and FibreMax
Samsung 655L side by side Fridge/Freezer (model RS62R5011M9/SA)	Available with top up payment on Wireless, FibreClassic and FibreMax
Samsung 488L French Door Fridge/Freezer (model RF48A4010M9/SA)	Available with top up payment on Wireless, FibreClassic and FibreMax
Samsung 8.5kg/6kg Washer Dryer Combo (model WD85T554DBW/SA)	Available with top up payment on Wireless, FibreClassic and FibreMax
Samsung 12kg Washing Machine (model WW12BB944DGH/SA)	Available with top up payment on Wireless, FibreClassic and FibreMax
Samsung 8kg Heat Pump Dryer (model DV80T5420AW/SA)	Available with top up payment on Wireless, FibreClassic and FibreMax
Samsung Galaxy S22+ Mobile Handset (model SM-S906EZKDXNZ)	Available with top up payment on Wireless, FibreClassic and FibreMax

- 8.4 Your joining bonus will be ordered once your Term has started. Once your product is ordered, you will receive an update from us with the estimated date you'll receive your tracking number. If an item becomes unavailable and our supplier is unable to provide the exact model specified, Mercury will work with the Supplier to determine a replacement model of equal or greater value. If this occurs, we will contact you to advise of the details of the new product. If you choose not to accept the replacement product, you can terminate this agreement without paying any Early Termination Fees.

8.5 Mobile handsets are compatible with Mercury SIM cards. If your mobile service is with another provider, please contact them for information on SIM card compatibility.

## **9 CHANGES TO YOUR JOINING BONUS**

9.1 Once the Term of this offer commences you will not be able to change your chosen joining bonus, unless one of the following applies:

- (a) where an incorrect joining bonus is delivered by Mercury (or its representatives) to you; and/or
- (b) where an exchange occurs pursuant to your rights under the Consumer Guarantees Act 1993, due to a fault with the joining bonus.

9.2 If an incorrect joining bonus is delivered, that joining bonus must remain unopened in its original packaging.

9.3 If you have chosen a mobile handset as your joining bonus and separately signed up for a new Mercury mobile service, your SIM card will be sent when your mobile service commences. Your mobile handset will be dispatched after commencement of this offer, which may be different to your mobile service commencement date.

## **10 CHANGES TO UPGRADES**

10.1 If you have chosen to make a top-up payment to upgrade your joining bonus, and subsequently wish to change your joining bonus, Mercury may in its discretion permit that change prior to the commencement of the Term.

10.2 If your new joining bonus selection also requires a top-up payment, you will need to make a new top-up payment for the new joining bonus you have selected. Your top-up payment for your previously selected joining bonus upgrade will be refunded.

10.3 If your new joining bonus selection is available on your broadband plan without a top-up payment being required, your top-up payment for your previously selected joining bonus upgrade will be refunded. If you cancel prior to the start of the Term your top-up payment will be refunded.

10.4 All refunds will be made to your nominated bank account within 10 days of the change or cancellation (as applicable).

## **11 CHANGES TO YOUR BROADBAND PLAN BEFORE TERM COMMENCEMENT**

11.1 If you change your broadband plan selection prior to the commencement of the Term, please contact Mercury for details of the impact this may have on your selected joining bonus.

- (a) If your selected joining bonus is available without payment on your new broadband speed, any top-up payment you may have made will be refunded.
- (b) If your selected joining bonus requires a top-up payment on your new broadband plan, you will need to make a new top-up payment.
- (c) If your selected joining bonus is available for a different top-up payment amount on your new broadband plan, you will need to make a new top-up payment, and your previous payment will be refunded.

11.2 All refunds will be made to your nominated bank account within 10 days of the change or cancellation (as applicable).

## **12 CHANGES TO PRICING**

12.1 The price for your broadband plan applies for the Term. However, if you switch or terminate your electricity services during the Term, your broadband price will no longer be fixed and may be subject to change. You will be given notice of any change in accordance with Mercury's General Terms and Conditions for Residential Customers.

12.2 Your electricity and (if applicable), piped gas and LPG pricing may be subject to change at any time during the Term.

12.3 If you have electricity and either piped gas and/or LPG with Mercury at the same address (determined by Electricity and Gas registry data provided to Mercury), you will receive a 15 cent per day Dual Fuel Discount. The Dual Fuel Discount will be applied as a credit to your bill each month. If you no longer have both electricity and either piped gas or LPG at the same address with Mercury, you will not receive the Dual Fuel Discount.

12.4 At the end of the Term, plan prices and any discounts may be subject to change. You will be given notice of any changes in accordance with Mercury's General Residential Terms.

12.5 If during the Term you move to a different property, your energy pricing and Dual Fuel Discount may be different at your new property.

12.6 If during the Term you move to a different property, you must remain on the same broadband service you signed up for as part of this offer, and retain your electricity service. If that broadband service is not available at the new property, you must retain a broadband service with us in order to remain eligible for this offer.

12.7 There are no upfront installation costs on standard fibre broadband installations if you're not already connected to fibre. If your home is more than 200m from where the fibre cable access point is on the street, or you need additional internal wiring, there may be an additional installation cost.

## **13 ROUTER REQUIREMENTS**

13.1 Customers who choose a fibre service can choose to receive a Mercury router, or to bring their own device, subject to the device meeting the specifications for a router compatible with Mercury's fibre services. These specifications are available at [mercury.co.nz/fibre-BYOD-specs](http://mercury.co.nz/fibre-BYOD-specs). Using a non-compatible router means you may not be capable of receiving the stated speeds for Mercury's fibre services.

13.2 Customers who choose wireless broadband will require a Mercury router for this service.

13.3 A \$14.95 postage and handling charge will apply for the delivery of all Mercury-issued routers.

## 14 BROADBAND BUNDLE DISCOUNT

- 14.1 As part of this offer, you'll have energy and broadband with Mercury, so we will apply a \$15 per month discount on your chosen broadband package – the Broadband Bundle Discount. This will apply from the start of the Term.
- 14.2 The discounted broadband prices (with the Broadband Bundle Discount applied) are shown in the table below.
- 14.3 You will continue to receive the Broadband Bundle Discount for your chosen broadband plan, as long as you continue to keep a broadband service and an electricity or gas service with Mercury.

<b>Service</b> (All rates in this table are shown after Mercury's \$15 Broadband Bundle Discount has been applied.)	<b>Months</b> 1-24	
	With Phone	Naked
120GB (Capped) Wireless Broadband	\$79	\$69
300GB Urban Wireless Broadband	\$84	\$74
300GB Rural Wireless Broadband	\$149	\$139
1000GB Wireless Broadband (specific availability restrictions apply)	\$89	\$79
FibreClassic	\$106	\$101
FibreMax	\$121	\$116

## 15 CHANGING YOUR BROADBAND PLAN DURING THE TERM

- 15.1 The following changes are permitted during the Term:
- (a) FibreMax customers with a Tier One joining bonus can switch to FibreClassic during the Term.
  - (b) FibreClassic customers can upgrade to FibreMax during the Term.
  - (c) Wireless broadband customers may upgrade to fibre during the Term, subject to fibre availability at the property.
  - (d) Wireless broadband customers may be able to change between wireless broadband plans during the Term. Changing between wireless broadband plans is subject to availability. Wireless broadband customers may switch to a wireless broadband plan with a lower data allowance. However, Mercury cannot guarantee that a higher data allowance will be available in future if customers wish to switch back to a higher allowance plan.
- 15.2 The following changes are not permitted during the Term:
- (a) Changing from FibreMax to FibreClassic if a Tier Two or Tier Three joining bonus has been selected.
  - (b) Moving from a fibre plan to a wireless broadband service.

## 16 WIRELESS BROADBAND

- 16.1 This section 16 applies to customers who select a wireless broadband service.
- 16.2 Wireless broadband services are not available in all areas, or to all properties or customers within availability areas. In addition, the 1000GB plan is available only in limited areas proximate to cellphone towers. Please contact us or see our website to determine whether wireless broadband is available at your address.
- 16.3 If you have chosen a capped wireless broadband plan, any unused data from your monthly data allowance will not be carried forward to the following month.
- 16.4 Additional data packs are available for capped wireless broadband plans and charged at \$10 for 10GB. Data packs are either automatically or manually applied. A one-off 10GB data pack is automatically applied when the full monthly data allowance on your capped wireless broadband plan has been consumed (if no manual data packs have been added already, otherwise it will activate after the manually added data pack has been consumed). There is only one automatically applied data pack available per month. There are 4 manual data packs available for purchase per month for the capped wireless broadband plans. Data packs are available for use for 30 days from purchase.
- 16.5 If you have chosen a wireless broadband plan that is not a capped plan, any unused data from your monthly data allowance will not be carried forward to the following month. Once your full monthly data allowance has been consumed the maximum speeds for your wireless broadband plan will be reduced to 5Mbps until your monthly plan renewal date. Where your maximum speeds have been reduced, you will still be able to use your wireless broadband but you may experience some degradations (such as lower video resolution) when watching video, streaming or loading images. Your speeds may be less than 5Mbps during the period that your maximum speeds are reduced because of other factors that affect wireless broadband speeds (see Mercury's Phone and Internet Terms for details).
- 16.6 You will be able to check on your data usage, but we are unable to show your data usage in real time. It is updated approximately every hour and, under normal conditions, will reflect usage up to 4 hours earlier. However, in some circumstances, such as when there are large numbers of users on the internet, it can sometimes take longer for your usage information to be updated, particularly at the end of your billing month. It is important that you take this into account when tracking your usage. Whilst we will use our best endeavours to notify you when you have used 80% of your data and 100% of your data, it is ultimately your responsibility to manage and monitor how many megabytes or gigabytes of data you have used.

## 17 EARLY TERMINATION FEES

- 17.1 When you sign up to Mercury, we incur costs to provide our services to you. We don't mind paying these if you commit to taking services from us for the Term. On the other hand, if you terminate early, we still have to pay these costs. If you terminate before the end of the Term, you need to repay some of those costs to us as set out below. If you terminate or switch either electricity or broadband providers within the Term, you'll need to pay an Early Termination Fee (this will be added to your next bill). This Early Termination Fee varies depending on the broadband service you select and which joining bonus you receive as part of this offer and will reduce by a set amount each month over the term of your Agreement, as set out below. An Early Termination Fee is only payable once during the Term.
- 17.2 If your Agreement with Mercury is terminated under the "Termination" section of Mercury's General Residential Terms and Conditions for your breach (including, for example, for regular non-payment of invoices), the applicable Early Termination Fees for your plan will be payable by you.
- 17.3 If you choose to upgrade the joining bonus you receive by making a top-up payment (i.e., unlocking a higher tiered product), the applicable Early Termination Fee is based on the Early Termination Fee for the equivalent type of product on the bonus tier for your broadband service, as set out below.

### Tier One Joining Bonus Early Termination Fees

Available on Broadband service	Joining Bonus	Month 1 Early Termination Fee	Amount reduced per month
Wireless, FibreClassic and FibreMax	Samsung 43" Smart TV (model UA43CU8500SXNZ)	\$960	\$40
Wireless, FibreClassic and FibreMax	Samsung 280L White Fridge/Freezer (model RB27N4020WW/SA)	\$960	\$40
Wireless, FibreClassic and FibreMax	Samsung 8kg Washing Machine (model WW80T4040CE/SA)	\$960	\$40
Wireless, FibreClassic and FibreMax	Samsung Jet 90 Pet Stick Vac (model VS20R9042T2/SA)	\$960	\$40
Wireless, FibreClassic and FibreMax	Samsung Premium Soundbar with Dolby Atmos (model HW-Q700C/XY)	\$960	\$40
Wireless, FibreClassic and FibreMax	Samsung Galaxy A54 5G Mobile Handset (model SM-A546EZKXNZ)	\$840	\$35

### Tier Two Joining Bonus Early Termination Fees for FibreMax customer

Available on Broadband service	Joining Bonus	Month 1 Early Termination Fee	Amount reduced per month
FibreMax	Samsung 55" Smart TV (model UA55CU8500SXNZ) + Samsung 2.1 Channel 200W Soundbar with Wireless Subwoofer (model HW-C450/XY)	\$1,320	\$55
FibreMax	Samsung 8.5kg AddWash Washing Machine (model WW85T554DAW/SA)	\$1,320	\$55
FibreMax	Samsung 427L Fridge/Freezer (model RL40B4SBAB1/SA)	\$1,320	\$55
FibreMax	Samsung Dishwasher (model DW60M6055FS/SA)	\$1,080	\$45
FibreMax	Samsung Bespoke Jet Vac (model VS20A95993B/SA)	\$1,320	\$55
FibreMax	Samsung M8 Smart Monitor (model LS32CM801UEXXY)	\$1,200	\$50
FibreMax	Samsung Galaxy S21 FE Mobile Handset (model SM-G990EZAIXNZ)	\$1,200	\$50

## Joining Bonus Early Termination Fees with Product Upgrade

### Tier Two Early Termination Fees for upgrading wireless and FibreClassic customers

Available on Broadband service	Joining Bonus	Top up payment amount	Month 1 Early Termination Fee	Amount reduced per month
Wireless and FibreClassic	Samsung 55" Smart TV (model UA55CU8500SXNZ) + Samsung 2.1 Channel 200W Soundbar with Wireless Subwoofer (model HW-C450/XY)	\$400	\$960	\$40
Wireless and FibreClassic	Samsung 8.5kg AddWash Washing Machine (model WW85T554DAW/SA)	\$400	\$960	\$40
Wireless and FibreClassic	Samsung 427L Fridge/Freezer (model RL40B4SBAB1/SA)	\$400	\$960	\$40
Wireless and FibreClassic	Samsung Dishwasher (model DW60M6055FS/SA)	\$400	\$720	\$30
Wireless and FibreClassic	Samsung Bespoke Jet Vac (model VS20A95993B/SA)	\$400	\$960	\$40
Wireless and FibreClassic	Samsung M8 Smart Monitor (model LS32CM801UEXXY)	\$400	\$840	\$35
Wireless and FibreClassic	Samsung Galaxy S21 FE Mobile Handset (model SM-G990EZAIXNZ)	\$400	\$840	\$35

### Tier Three Early Termination Fees for upgrading wireless and FibreClassic customers

Available on Broadband service	Joining Bonus	Top up payment amount	Month 1 Early Termination Fee	Amount reduced per month
Wireless and FibreClassic	Samsung 65" Smart TV (model UA65CU8500SXNZ) + Samsung 2.1 Channel 200W Soundbar with Wireless Subwoofer (model HW-C450/XY)	\$700	\$960	\$40
Wireless and FibreClassic	Samsung 655L side by side Fridge/Freezer (model RS62R501M9/SA)	\$700	\$960	\$40
Wireless and FibreClassic	Samsung 488L French Door Fridge/Freezer (model RF48A4010M9/SA)	\$700	\$960	\$40
Wireless and FibreClassic	Samsung 8.5kg/6kg Washer Dryer Combo (model WD85T554DBW/SA)	\$700	\$960	\$40
Wireless and FibreClassic	Samsung 12kg Washing Machine (model WW12BB944DGH/SA)	\$700	\$960	\$40
Wireless and FibreClassic	Samsung 8kg Heat Pump Dryer (model DV80T5420AW/SA)	\$700	\$960	\$40
Wireless and FibreClassic	Samsung Galaxy S22+ Mobile Handset (model SM-S906EZKDXNZ)	\$700	\$840	\$35

### Tier Three Early Termination Fees for upgrading FibreMax customers

Available on Broadband service	Joining Bonus	Top up payment amount	Month 1 Early Termination Fee	Amount reduced per month
FibreMax	Samsung 65" Smart TV (model UA65CU8500SXNZ) + Samsung 2.1 Channel 200W Soundbar with Wireless Subwoofer (model HW-C450/XY)	\$300	\$1,320	\$55
FibreMax	Samsung 655L side by side Fridge/Freezer (model RS62R501M9/SA)	\$300	\$1,320	\$55
FibreMax	Samsung 488L French Door Fridge/Freezer (model RF48A4010M9/SA)	\$300	\$1,320	\$55
FibreMax	Samsung 8.5kg/6kg Washer Dryer Combo (model WD85T554DBW/SA)	\$300	\$1,320	\$55
FibreMax	Samsung 12kg Washing Machine (model WW12BB944DGH/SA)	\$300	\$1,320	\$55
FibreMax	Samsung 8kg Heat Pump Dryer (model DV80T5420AW/SA)	\$300	\$1,320	\$55
FibreMax	Samsung Galaxy S22+ Mobile Handset (model SM-S906EZKDXNZ)	\$300	\$1,200	\$50

## **18 OTHER TERMINATION CONSEQUENCES**

- 18.1 If you cancel your electricity service or switch electricity providers, you'll lose your Broadband Bundle Discount and will also be charged the then standard Mercury monthly rate for your broadband plan speed.
- 18.2 There is no Early Termination Fee if you:
- (a) switch gas providers or cancel your gas service.
  - (b) switch landline phone providers or cancel your landline phone service.
  - (c) switch mobile phone providers or cancel your mobile phone service.